



1997

# Illinois Register

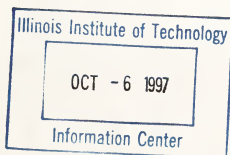
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## Rules of Governmental Agencies

Volume 21, Issue 40—October 03, 1997

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Secretary of State

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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
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Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997	July 15, 1997	July 22, 1997	30	July 25, 1997
Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997	July 22, 1997	July 29, 1997	31	Aug. 1, 1997
Jan. 21, 1997	Jan. 28, 1997	5	Jan. 31, 1997	July 29, 1997	Aug. 5, 1997	32	Aug. 8, 1997
Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997	Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997	Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
Feb. 18, 1997	Feb. 25, 1997	9	Feb. 28, 1997	Aug. 26, 1997	Sept. 2, 1997	36	Sept. 5, 1997
Feb. 25, 1997	Mar. 4, 1997	10	Mar. 7, 1997	Sept. 2, 1997	Sept. 9, 1997	37	Sept. 12, 1997
Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997	Sept. 16, 1997	Sept. 23, 1997	39	Sept. 26, 1997
Mar. 18, 1997	Mar. 25, 1997	13	Mar. 28, 1997	Sept. 23, 1997	Sept. 30, 1997	40	Oct. 3, 1997
Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
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Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
Apr. 15, 1997	Apr. 22, 1997	17	Apr. 25, 1997	Oct. 21, 1997	Oct. 28, 1997	44	Oct. 31, 1997
Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997	Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1997
Apr. 29, 1997	May 6, 1997	19	May 9, 1997	Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
May 6, 1997	May 13, 1997	20	May 16, 1997	Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
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June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 1, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

\* Monday

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Weights and Measures Act
- 2) Code Citation: 8 Ill. Adm. Code 600
- 3) Citation Numbers: Proposed Action:  
600.130 Deleted Section  
600.TABLE C Amended  
600.TABLE F Amended
- 4) Statutory Authority: Section 8 of the Weights and Measures Act [225 ILCS 470/8]

5) A Complete Description of the Subjects and Issues Involved: In Section 600.130, the Department is exempting a retroactive requirement of the National Institute of Standards and Technology (NIST) published in the NIST Handbook 44 regarding the following: NIST Handbook 44 will require all vehicle tank meters to be equipped with a ticket printer effective January 1, 1999. The Department of Agriculture opposes this requirement. The National Grain & Feed Association (NGFA) opposes this NIST rule and believes it would be very costly to industry to comply with the requirement. NGFA indicates that customers have not expressed a preference of printed tickets over the hand prepared tickets and that customers generally trust marketers to deliver quality products in the quantity stipulated on the ticket.

The Grain & Feed Association of Illinois has requested that the Department initiate rulemaking to delay the implementation of NIST Handbook 44, Section 5-56.(a) Grain Moisture Meters, until January 1, 2000. Section 5-56.(a) of NIST Handbook 44 will require that any new grain moisture measuring device purchased after January 1, 1998 be NIST approved. This will require that all vehicle tank meters be replaced with NIST approved Department of Agriculture official meter which is not and cannot be NIST approved. Some of the new NIST approved devices will blank out at certain moisture and temperature ranges causing confusion between grain dealers and farmers. These issues should be resolved by January 1, 2000 allowing for an orderly implementation of the new code requirements. Grain dealers will be able to continue to purchase current models approved by the Illinois Department of Agriculture. Until the implementation of NIST Handbook 44, Section 5-56.(a), the applicability date for NIST Handbook 44, Section 5-56.(b) shall be extended and shall apply. The Illinois Farm Bureau has expressed its support of this amendment too.

Information in Sections 600.TABLE C and 600.TABLE F is being corrected.

- 6) Will this proposed rule replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period for receiving comments from the public will begin on the day the notice of rulemaking appears in the Illinois Register. Written comments should be sent to the attention of:

Debbie Wakefield  
Department of Agriculture  
State Fairgrounds, P.O. Box 19281  
Springfield, IL 62794-9281  
Telephone: 217/785-5713  
Facsimile: 217/785-4505

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Petroleum delivery operators and grain elevator operators.

B) Retaining, bookkeeping or other procedures required for compliance: No additional requirements. The petroleum delivery operators will be exempted from a costly requirement of the National Institute of Standards and Technology Handbook 44 requiring all vehicle tank meters to be equipped with a ticket printer effective 1/1/99.

C) Types of professional skills necessary for compliance: None

## 13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER 1: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER 1: WEIGHTS AND MEASURES

## PART 600

## WEIGHTS AND MEASURES ACT

## SUBPART A: PACKAGING AND LABELING

Section	
600.1	National Institute of Standards and Technology Handbook 130
600.10	Definitions (Repealed)
600.20	Application (Repealed)
600.30	Identity (Repealed)
600.40	Declaration of Identity: Nonconsumer Package (Repealed)
600.50	Declaration of Responsibility: Consumer and Nonconsumer Packages (Repealed)
600.60	Declaration of Quantity: Consumer Packages (Repealed)
600.70	Declaration of Quantity: Nonconsumer Packages (Repealed)
600.80	Provenience and Placement: Consumer Packages (Repealed)
600.90	Provenience and Placement: Nonconsumer Packages (Repealed)
600.100	Requirements: Specific Consumer Commodities, Packages, Containers (Repealed)
600.110	Exemptions (Repealed)
600.120	Variations to be Allowed (Repealed)
600.130	Standards of Fill (Repealed)
600.140	Wholesale and Retail Exemption
600.150	Revocation of Conflicting Regulations (Repealed)
600.160	Tables: Weights and Measures Standards for Illinois
	SUBPART B: ROOFING AND ROOFING MATERIALS
Section	
600.150	Roofing and Roofing Materials Shall be Sold Either by the "Square" or by the "Square Yard." (Repealed)

## SUBPART C: WEIGHING AND MEASURING DEVICES:

## METERS -- SCALES -- FEES

Section	
600.300	Vehicle Scales Regulation
600.310	Fees
600.320	Scales Used for the Enforcement of Highway Weight Laws
600.330	National Institute of Standards and Technology Handbook 44

## SUBPART D: MOISTURE METER TESTING

## Section

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

## General (Repealed)

Testing and Inspection (Repealed)  
Rejected Moisture Testing Devices (Repealed)  
Use of Moisture Measuring Devices (Repealed)

SUBPART E: REGISTRATION OF SERVICE AGENCIES, SERVICEMEN,  
AND SPECIAL SEALERS FOR COMMERCIAL  
WEIGHING AND MEASURING DEVICES

Section	
600.450	Policy (Repealed)
600.460	Definitions (Repealed)
600.470	Certificate of Registration (Repealed)
600.480	Types of Certificates (Repealed)
600.490	Examinations (Repealed)
600.500	Exemptions (Repealed)
600.510	Registration Fee (Repealed)
600.520	Repealed (Repealed)
600.530	Repealed (Repealed)
600.540	Standards and Testing Equipment (Repealed)
600.550	Revocation of Certificate of Registration (Repealed)
600.560	Publication of Lists (Repealed)

## SUBPART F: LIQUID PETROLEUM MEASURING DEVICES

Section	
600.650	Use of Gasoline Pumps Which Are Not Capable of Computing the Prices Which Exceed 99.9c Per Gallon
600.660	Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons
600.670	System Used to Sell Petroleum Product
600.680	Unit Price Per Gallon Displayed (Repealed)
600.690	Unit Price Indicator: Set at One-Half Total Selling Price
600.700	Decals or Stickers Affixed to the Pump Face
600.720	Information Sign Indicating Half Gallon Pricing of Gasoline
600.730	Conversion Kits or Replacement Pumps: Deadline (Repealed)
600.740	Three-Wheel Computers Prohibited
600.750	One-Half Gallon Pricing Applicable to All Metering Pumps at Facility
600.760	Stop Use Order: Hearing

SUBPART G: ADVERTISEMENT OF THE PRICE OF LIQUID  
PETROLEUM PRODUCTS

Section	
600.800	Price Per Gallon or Liter in Advertisement
600.810	Right of Withdrawal of Numbers
600.820	Advertised Price Complete
600.830	Advertising Other Commodities; Misleading Advertising Prohibited

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

600.840 Product Identity and Type of Service  
 600.850 Advertisement of Price Not Required Except on Pump  
 600.860 Stop Use Order; Heating

TABLE A	Minimum Weight of Numbers and Letters (Repeated)
TABLE B	Standard Weight Per Bushel for Agricultural Commodities
TABLE C	Standard Weight Per Bushel for Agricultural Commodities
TABLE D	Equivalents; Cubic Inches in U.S. Standard Capacity Measures
TABLE E	Weights of Coal Per Cubic Foot
TABLE F	Equivalents to be used by Seller in Transposing Weights
TABLE G	Measurement of Surfaces and Volumes

AUTHORITY: Implementing and authorized by Section 8 of the Weights and Measures Act (225 ILCS 470/8).

SOURCE: Rules and Regulations Relating to the Weights and Measures Act, filed December 17, 1969, effective January 1, 1970; amended November 5, 1971, effective November 13, 1971; amended August 26, 1975; effective September 4, 1975; amended November 13, 1975; effective November 13, 1975; amended August 4, 1979; effective October 29, 1979; amended at 111. Reg. 45.75, effective October 29, 1979; amended at 111. Reg. 45.72, effective October 29, 1979; amended at 111. Reg. 45.81, effective January 1, 1980; codified at 111. Reg. 10562, effective October 1, 1981; amended at 121. Reg. 8306, effective May 3, 1988; amended at 121. Reg. 15524, effective September 20, 1988; emergency amendment at 181. Reg. 4436, effective March 7, 1994, for a maximum of 150 days; amended at 181. Reg. 14692, effective September 13, 1994; amended at 191. Reg. 8114, effective June 7, 1995; amended at 201. Reg. 303, effective January 1, 1996; amended at 211. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART C: WEIGHING AND MEASURING DEVICES:  
 METERS -- SCALES -- FEES

## Section 600.330 National Institute of Standards and Technology Handbook 44

*Specifications, tolerances, and regulations for commercial weighing and measuring devices recommended by the National Institute of Standards and Technology and published in National Institute of Standards and Technology Handbook 44 and supplements thereto or in any publication revising or superseding Handbook 44 shall be the specifications, tolerances, and regulations for commercial weighing and measuring devices of this State, except insofar as specifically modified, amended, or rejected by a regulation issued by the Director (Section 8 of the Weights and Measures Act (225 ILCS 470/8)).* National Institute of Standards and Technology Handbook 44 is available from the National Institute of Standards and Technology, Gaithersburg, Maryland 20899, D.C. 20402. The following provisions of the National Institute of Standards and Technology's Handbook 44 shall not be adopted unless a different implementation date is specified:

- a) UR.2.2. Ticket Printer; Customer Ticket; Sec. 3.31 Vehicle-Tank Meters User Requirements.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

b) Sec. 5.56.(a) Grain Moisture Meters. Sec. 5.56.(a) shall be effective January 1, 2000. The applicability date for Section 5.56.(b) Grain Moisture Meters is extended until the implementation of Sec. 5.56.(a).

(Source: Added at 211. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

## Section 600. TABLE C Illinois Standard Weights and Measures

## United States Linear Measure

12 inches (in.) = 1 foot (ft.)  
 3 ft. = yard (yd.) = 36 inches  
 5 1/2 yards = 1 rod (rd.) = 16 1/2 feet  
 320 rods = 1 mile (mi.) = 1760 yards = 5,280 feet

## Chain Measure (Gunter's or Surveyor's Chain)

7.92 inches = 1 link (li.)  
 100 li. = 1 chain (ch) = 66 feet  
 8 chains = 1 furlong (fur.)  
 The engineer's chain is 100 feet long and consists  
 of 100 links of 12 inches each. 52.8 chains = 1 mile.

## Square Measure

144 square inches (sq. in.) = 1 square foot (sq. ft.)  
 9 sq. ft. = 1 sq. yard (sq. yd.)  
 30 1/4 sq. yard = 1 square rod (sq. rd.) = - 272 1/4 sq. ft.  
 160 sq. rd. = 1 acre (a) = 4,840 sq. yd. = 43,560 sq. ft.

## Surveyor's Measure

625 square links (sq. li.) = 1 square rod (sq. rd.)  
 16 sq. rods = 1 square chain (sq. ch.)  
 10 sq. ch. = 1 acre (a)  
 640 a. = 1 square mile (sq. mi.)  
 36 sq. mi. (6 mi. sq.) = 1 township (tp.) = 2,304 a.

## Cubic Measure

1728 cubic inches (cu. in.) = 1 cubic foot (cu. ft.)  
 27 cu. ft. = 1 cubic yard (cu. yd.)

## United States Liquid Measure

4 gills (gi) = 1 pint (pt)  
 2 pt. = 1 quart (qt.) = 2 gills  
 4 qt. = 1 gallon (gal.) = 8 pints = 32 gills  
 31 1/2 gal. = 1 barrel (bbbl) = 126 quarts.  
 2 bbl. = 1 hogshead (hhd) = 63 gallons = 252 quarts.

## Apothecaries' Fluid Measure

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

60 minims (m.) = 1 fluid dram (fl. dr.)  
 8 fl. dr. = 1 fluid ounce (fl. oz.) = 480 minims  
 16 fl. oz. = 1 pint (p) = 128 fl. dr. = 7,680 m.  
 8 p. = 1 gallon (cong.) = 128 fl. oz. = 1,024 fl. dr.

## U.S. Dry Measure

2 pints (pt.) = 1 quart (qt.)  
 8 qt. = 1 peck (pk) = 16 pints  
 4 pk. = 1 bushel (bu.) = 32 quarts = 64 pints  
 105 quarts = 1 barrel (for fruits and vegetables) =  
 7,056 cubic inches.

## Avoirdupois Weight

27 11/32 grains (gr.) = 1 dram (dr.)  
 16 dr. = 1 ounce (oz.) = 437 1/2 grains  
 16 oz. = 1 pound (lb.) = 156 drams = 7000 grains  
 100 lbs. = 1 hundred weight (cwt.) = 1600 ounces  
 20 cwt. = 1 ton (t.) = 2,000 pounds

## Troy Weight

24 grains (gr.) = 1 pennyweight (dwt.)  
 12 dwt. = 1 ounce (oz.) = 480 grains  
 12 oz. = 1 pound (lb.) = 240 dwt. = 5,760 gr.

## Apothecaries' Weight

20 grains (gr.) = 1 scruple  
 3 scruples = 1 dram = 60 grains  
 8 drams = 1 ounce = 24 scruples = 480 grains  
 12 ounces = 1 pound (lb.) = 96 drams = 288 scruples =  
 5,760 grains

## The Metric System

The metric system is based on a unit of length (the meter). A cubic box one-tenth of a meter on the side has the unit of capacity, a liter, and the water contained in a liter weighs one kilogram. The unit of weight, the gram, in the metric system is the weight of water contained in a cubic centimeter of water. The metric system is a decimal system. The units are not precisely correct but hold for all but the most refined measurements.)

The entire system is then built up by multiplying or dividing the unit by ten, one hundred and one thousand, using always the same prefix to indicate what the unit is multiplied or divided by, thus:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

milli means 1/1000 or divided by 1000  
centi means 1/100 or divided by 100  
deci means 1/10 or divided by 10  
deka means 10 or multiplied by 10  
hecto means 100 or multiplied by 100  
kilo means 1000 or multiplied by 1000

The tables then become:

## Length

10 milli-meters = 1 centi-meter  
10 centi-meters = 1 deci-meter  
10 deci-meters = 1 meter  
10 meters = 1 deka-meter  
10 deka-meters = 1 hecto-meter  
10 hecto-meters = 1 kilo-meter

## Weight

10 milli-grams = 1 centi-gram  
10 centi-grams = 1 deci-gram  
10 deci-grams = 1 gram  
10 grams = 1 deka-gram  
10 deka-grams = 1 hecto-gram  
10 hecto-grams = 1 kilogram

## Capacity

10 milli-liters = 1 centi-liter  
10 centi-liters = 1 deci-liter  
10 deci-liters = 1 liter (1 cubic deci-meter)  
10 liters = 1 deka-liter  
10 deka-liters = 1 hecto-liter  
10 hecto-liters = 1 kilo-liter

## Area

100 sq. meters = 1 are.  
100 are. = 1 hectare  
100 hectares = 1 sq. kilometer

In the metric system there is but one standard of weight, one standard of measure for liquids and dry commodities alike, and but one standard of length.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

## Section 600. TABLE F. Equivalents to be used by Seller in Transposing Weights

Leverage or multiplication of scale 1 to 1.

1 det. = 1 scruple 4 gr.  
2 det. = 2 scruples 8 gr.  
3 det. = 1 dr. 12 gr.  
4 det. = 1 1/2 dr. 6 gr.  
5 det. = 2 dr.  
6 det. = 2 dr. 1 scruple 4 gr.  
7 det. = 2 dr. 2 scruples 8 gr.  
8 det. = 3 dr. 12 gr.  
9 det. = 3 1/2 dr. 6 gr.  
10 det. wt. = 4 dr.  
20 det. 1 oz. av. 2 scruples 2.5 gr.  
4 oz. T. = 4 oz. av. 1/16 oz. + 3 gr.  
8 oz. T. = 4 oz. av. + 1/4 oz. + 1/8 oz. + 6 gr.  
8 oz. T. = 8 oz. av. + 1/2 oz. + 1/4 oz. + 12 gr.  
1 lb. T. = 12 oz. av. + 1/8 oz. + 1.8 gr.

Leverage or multiplication of scale, 1 to 100

49 lb. flour weight = 7 oz. av. + 1/2 oz. + 1/4 oz. + 1/16 oz. + 12 gr.  
98 lb. flour weight = 15 oz. av. + 1/2 oz. + 1/8 oz. + 24 gr. + 15 oz. + 1/4 oz. + 1/16 oz. + 20.8 gr. + 16.4 gr.  
196 lb. flour weight = 9 oz. av. + 1/2 oz. + 1/16 oz. + 16.4 gr.  
60 lb. wheat weight = 1 lb. av. + 3 oz. + 1/8 oz. + 1/16 oz. + 5.4 gr.  
120 lb. wheat weight = 1 lb. av. + 12 oz. + 1/2 oz. + 1/4 oz. + 21.9 gr.  
300 lb. wheat weight = 3 lb. av.  
600 lb. wheat weight = 6 lb. av.

Leverage or multiplication of scale, 1 to 55 1/3

24 lb. weight = 7 oz. av. + 1/8 oz. + 1/16 oz. + 5.5 gr.  
40 lb. weight = 12 oz.  
80 lb. weight = 1 lb. 8 oz.

Leverage or multiplication of scale, 1 to 66 2/3

30 lb. weight = 7 oz. av. + 1/8 oz. + 1/16 oz. + 5.5 gr.  
50 lb. weight = 12 oz.  
100 lb. weight = 1 lb. 8 oz.

DEPARTMENT OF AGRICULTURE  
NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective: \_\_\_\_\_)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Access to and Eligibility For Child Welfare Services
- 2) Code Citation: 89 Ill. Adm. Code 304
- 3) Section Numbers: Proposed Action:  
304.4 Amend
- 4) Statutory Authority: Implementing and authorized by the Children and Family Services Act [20 ILCS 304] and Sections 2 and 11 of the Abuse and Neglect Child Reporting Act [325 ILCS 5/2-11]; Sections 2 and 11 of the Juvenile Court Act of 1987 [705 ILCS 405/1-21]; the Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act [42 U.S.C.A. 671 (a) (14)].
- 5) A Complete Description of the Subjects and Issues Involved: This Part broadly describes public child welfare services and the eligibility criteria for those services. The Department proposes amending this Part to incorporate provisions of Public Act 89-21 which restricts eligibility for Department services for delinquent minors age 13 and over to those who were already in the care of the Department at the time of the allegation or adjudication of delinquency. Also deemed ineligible for Department services are those minors locked out from the residence of their parent or guardian.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:  
  
Jacqueline Nottingham, Chief  
Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe, Station #65  
Springfield, IL 62701-1498  
217/524-1983

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TDD: 217/624-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: The Department has determined that this rulemaking does not affect small businesses.
- B) Recertification, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: The need for the rulemaking was not anticipated at the time of the last two regulatory agendas.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER a: SERVICE DELIVERY

## PART 304

## ACCESS TO AND ELIGIBILITY FOR CHILD WELFARE SERVICES

## Section

- 304.1 Purpose
- 304.2 Definitions
- 304.3 Eligibility to Child Welfare Services
- 304.4 Eligibility for Child Welfare Services
- 304.5 Access to Child Welfare Services
- 304.6 Decision Concerning Case Opening

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act (20 ILCS 505/5); Sections 2 and 2.1 of the Abused and Neglected Child Reporting Act (325 ILCS 5/2 and 2.1); Section 1-2 of the Juvenile Court Act of 1987 [705 ILCS 405/1-2]; and the Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act (42 U.S.C. 671(a)(14)).

SOURCE: Adopted and codified at 5 Ill. Reg. 13117, effective November 30, 1981; amended at 8 Ill. Reg. 12118, effective July 9, 1984; amended at 17 Ill. Reg. 251, effective December 31, 1992; amended at 19 Ill. Reg. 9429, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10738, effective July 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1569, effective January 10, 1996; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 304.4 Eligibility for Child Welfare Services

## a) No Financial Eligibility

\_\_\_\_\_ family's income, assets or other financial resources do not affect \_\_\_\_\_'s eligibility for child welfare services. Instead, \_\_\_\_\_ child welfare services are provided to the children and families who need them, who will benefit from them and who the Department is responsible for serving, regardless of the family's ability to pay for the services.

b)\_\_\_\_\_ Children and Families the Department Must Serve

The Department must, by law, provide child welfare services to the following categories of children and families:

- 1) abused and neglected children and their families;
- 2) dependent children and their families;
- 3) children under the age of 13 who have been adjudicated delinquent and their families;
- 4) children whom the Department already has court ordered legal custody of and who are subsequently adjudicated delinquent or

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

minors requiring authoritative intervention and their families. The Department is mandated to continue serving these children even if they are over age 13 when they are adjudicated delinquent or minors requiring authoritative intervention. However, the Department may transfer custody of a minor 10 years of age or over to the Juvenile Division of the Department of Corrections in accordance with the provisions of the Unified Code of Corrections [730 ILCS 5/3-10-1], if the minor has been adjudicated delinquent and it is determined by an interagency review committee that the Department lacks adequate facilities to care for and rehabilitate the minor.

**c)b** Children and Families the Department May Elect to Serve. In addition to the children and families the Department must serve, the Department may elect to provide child welfare services to other children and families who request these services. The Department deems to be in need of the services, and who the Department deems will benefit from the services.

**d)** Children and Families Ineligible for Department Services

1) The Department shall not accept legal custody or guardianship of a minor 13 years of age or older for whom allegations or adjudication of abuse, neglect or dependency arise from the same facts, incident or circumstances which give rise to a charge or adjudication of delinquency unless the minor is already in the legal custody or guardianship of the Department.

2) The Department shall not accept for care or services a minor 13 years of age or older for whom a finding of abuse, neglect, dependency or delinquency has been made to what is generally considered a "locked out" location. The Department will not accept the care of the minor or guardian for extensive periods of time, continuing or resume providing for the care and guidance of a minor, including physical custody, following an absence from the home of any duration for any reason. The term "locked out" applies only if the parent or guardian refuses or fails to make provision for other living arrangements for the minor.

**e)** Non-Financial Eligibility

The family's income/assets or other financial resources do not affect whether a family is eligible for child welfare services. Intended child welfare services are provided to the children and families who need them who will benefit from them and who the Department is responsible for serving regardless of the family's ability to pay for the services.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Regulatory Innovation Projects

2) Code Citation: 35 Ill. Adm. Code 185

3) Section Numbers: Proposed Action:

185-100	Add
185-102	Add
185-104	Add
185-106	Add
185-108	Add
185-108	Add
185-200	Add
185-202	Add
185-300	Add
185-302	Add
185-304	Add
185-400	Add
185-402	Add
185-404	Add
185-406	Add
185-408	Add
185-410	Add
185-412	Add
185-414	Add
185-416	Add

4) Statutory Authority: 415 ILCS 5/2.3 and P.A. 89-465.

5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes to adopt Agency rules to implement Section 52.3 of the Environmental Protection Act (Act) [415 ILCS 5/52.3], i.e., the "Environmental Management System Agreement" or "EMSA" provisions. These provisions provide for a pilot program to allow companies or "sponsors" to propose, and the Illinois Environmental Protection Agency (Agency) to accept pursuant to an EMSA, a pilot project to implement innovative environmental measures, even if one or more of these measures is inconsistent with otherwise applicable environmental statutes or regulations of the State. To participate in the pilot program, the sponsor must demonstrate that the proposed pilot project would either:

- 1) achieve emissions reductions or reductions in discharges or beyond the other applicable statutory regulatory requirements through pollution prevention or other suitable means; or
- 2) achieve real environmental risk reduction or foster environmental compliance by other persons regulated under the Act in a manner that is clearly superior to the existing regulatory means.

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Participation in this program is voluntary and at the discretion of the Agency.

6) Will this proposed rule(s) replace an emergency rule currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule(s) (amendment, repeal) contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Act? No

10) Statement of Statewide Policy Objectives: These proposed rules are required by Section 52.3 of the Act and do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805/3(b)).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: An Illinois EPA hearing on the proposed regulations will be held on November 12, 1997, at 10 am, at the offices of the Illinois Environmental Protection Agency, 1340 N. 9th Street, Springfield, Illinois, 2nd Conference Room. Questions or written comments concerning this rulemaking should reference EPA 407-97 and should be sent to:

John Williams  
Agency Hearing Officer  
Illinois Environmental Protection Agency  
P.O. Box 19276  
Springfield, Illinois 62794-9276

and

Laurel L. Krosch  
Assistant Counsel  
Illinois Environmental Protection Agency  
Area of Law  
P.O. Box 19276  
Springfield, IL 62794-9276

Written comments must be received by December 1, 1997, for inclusion in the hearing record.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: These rules are intended to implement a voluntary pilot program that allows companies or "sponsors" to propose

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

a pilot project which may lessen regulatory requirements. Sponsors that elect to participate in, and are accepted into, the pilot program are expected to do so because it will result in some cost savings to them, generally in terms of paperwork reduction (e.g., recordkeeping and reporting requirements). In some cases, these sponsors may also experience cost savings due to alternative compliance with otherwise applicable environmental laws and regulations.

B) Reporting, bookkeeping or other procedures required for compliance: The types of reporting, bookkeeping and other procedures required for compliance depends upon the nature of the individual pilot project proposed by its sponsor and agreed to by the Agency.

The proposed revisions do not require that a sponsor maintain any additional records. However, sponsors will be required to keep records to demonstrate that they are in compliance with the terms of the EMSA to which they are subject, to demonstrate they are entitled to the flexibility afforded by the proposed rules.

C) Types of professional skills necessary for compliance: Uncertain. The types of professional skills necessary for compliance depend on the nature of the individual pilot project proposed by its sponsor and agreed to by the Agency.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Regulatory Agendas, but was included on the July 1996 agenda.

The full text of the Proposed Rule begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

SUBPART A: PURPOSE; DEFINITIONS AND GENERAL PROVISIONS

Section 185.100 Purpose

The purpose of this Part is to implement a voluntary pilot program pursuant to Section 52.3 of the Act by which the Agency may enter into Environmental Management System Agreements or EMSAs with persons regulated under the Act to implement innovative environmental measures, even if one or more of the terms of such agreements are inconsistent with otherwise applicable statutes or regulations of the State.

Section 185.102 Definitions

For purposes of this Part, the words and terms used in this Part shall have the meanings given below. Words and terms not defined in this Part, if defined in the Act, shall have the meanings ascribed in the Act.

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Environmental Protection Agency established by the Act. (Section 3.08 of the Act).

"Director" means the Director of the Illinois Environmental Protection Agency.

"Environmental Management System" means the system by which an entity achieves continuous environmental improvement by integrating environmental management into on-going business planning and manages environmental performance, including, but not limited to, environmental management systems implementing International Organization for Standardization (ISO) 14001 standard.

"Environmental Management System Agreement (EMSA)" means the agreement between the Agency and a sponsor that describes the innovative environmental measures to be implemented, schedules for attaining goals, and mechanisms for accountability.

"Innovative Environmental Measures" means any procedures, practices, technologies, or systems that pertain to environmental management and are expected to improve environmental performance when applied.

"Pilot Program" means the program described in this Part that allows the use of EMSAs to promote innovative environmental measures.

"Pilot Project" means an innovative environmental project covering one or more designated facilities, designed and implemented in the form of an EMSA executed by the Agency and a sponsor in accordance with this Part.

ENVIRONMENTAL PROTECTION AGENCY

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE A: GENERAL PROVISIONS

CHAPTER 11: ENVIRONMENTAL PROTECTION AGENCY

PART 185

REGULATORY INNOVATION PROJECTS

SUBPART A: PURPOSE; DEFINITIONS AND GENERAL PROVISIONS

Section 185.100 Purpose  
185.102 Definitions  
185.104 Relation to Other Rules and Regulatory Innovation Programs  
185.106 Public Access to Pilot Program Correspondence  
185.108 Confidential Business and Trade Secret Information

SUBPART B: PARTICIPATION IN PILOT PROGRAM

Section 185.200 Nature and Duration of Pilot Program  
185.202 Eligibility for Participation

SUBPART C: STAKEHOLDER INVOLVEMENT

Section 185.300 Stakeholder Involvement  
185.302 Stakeholder Group, Members  
185.304 Sponsor Obligations

SUBPART D: PROCEDURES

Section 185.400 Letter of Intent; Agency Response  
185.402 Development of an EMSA  
185.404 Public Notice, Comment and Hearing  
185.406 Criteria for Approval of an EMSA  
185.408 Execution of an EMSA  
185.410 Performance Assurance  
185.412 Modification of an EMSA  
185.414 Termination of an EMSA  
185.416 Renewal of an EMSA

AUTHORITY: Implementing and authorized by Section 52.3 of the Environmental Protection Act [415 ILCS 5/52.3].

SOURCE: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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"Sponsor" means the proponent of a pilot project that enters into an EMSA with the Agency.

## Section 185.104 Relation to Other Rules and Regulatory Innovation Programs

- The provisions of this Part shall apply to any pilot project developed under this Part.
- Nothing in this Part shall be construed to modify or alter any federal, state, or local statute or regulation applicable to a pilot project or its sponsor, owner or operator. An EMSA that seeks to modify or alter a federal, state, or local statute or regulation applicable to a pilot project or its sponsor, owner or operator must follow any procedures applicable under such law.
- NO EMSA entered into by the Agency may allow a participant in the pilot program to cause air or water pollution or an unauthorized release in violation of the Act or any rule promulgated under the Act.
- Nothing in this Part shall be construed to affect any fees that a sponsor or an owner or operator of a facility covered by an EMSA may be required to pay under any State or federal environmental statute or regulation.
- Nothing in this Section shall limit the authority or ability of a State's Attorney or the Attorney General to proceed pursuant to Section 43(a) of the Act, or to enforce Section 44 or 44.1 of the Act, except that for the purposes of enforcement under Section 43(a), 44 or 44.1, an agreement shall be deemed to be a permit issued under the Act to engage in activities authorized under the agreement. (Section 52.3-4(e) of Act)

## Section 185.106 Public Access to Pilot Program Correspondence

The Agency shall record and maintain a list of all correspondence sent and received by the Agency relating to participation in the pilot program, and such information, to the extent it does not constitute confidential business or trade secret information, shall be made available for review by the public.

## Section 185.108 Confidential Business and Trade Secret Information

To the extent practicable, the Agency shall not designate EMSA related data as confidential business or trade secret information. A sponsor must identify information in a pilot project document, including an EMSA, that it claims constitutes confidential business or trade secret information, and must justify such claim in accordance with 35 Ill. Adm. Code 120 and 2 Ill. Adm. Code 1827.

## SUBPART B: PARTICIPATION IN PILOT PROGRAM

## Section 185.200 Nature and Duration of Pilot Program

- It is within the sole discretion of the Agency to enter into an EMSA

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- under this Part.
- The Agency may reject a proposed pilot project at any time prior to the approval of an EMSA.
- EMSA's under this Part must be initially executed on or before December 31, 2001. An EMSA executed on or before December 31, 2001, may, in the Agency's discretion, be renewed for additional periods not to exceed 5 years per renewal.

## Section 185.202 Eligibility for Participation

- Except as provided in subsection (b) of this Section, any person subject to a requirement of the Act or a regulation promulgated thereunder may participate in the pilot program.
- The following persons shall not be eligible to participate in the pilot program:
  - Any person that is the subject of a current environmental enforcement action under the Act or regulations promulgated thereunder, or has been the subject of an environmental enforcement action under the Act or regulations promulgated thereunder within the preceding year;
  - Any person that has failed to renew any permit, or submit a complete Clean Air Act Permit Program application, as may be required by the Act or regulations promulgated thereunder; and
  - Any person that has failed to pay a required fee or penalty to the State of Illinois.
- In determining whether a person is eligible to participate in the pilot program, the Agency may identify persons who have committed violations, including, but not limited to, previously adjudicated violations.

## SUBPART C: STAKEHOLDER INVOLVEMENT

## Section 185.300 Stakeholder Involvement

An EMSA shall provide for productive stakeholder involvement in a pilot project's development and implementation. The nature and extent of stakeholder involvement will be determined on a case by case basis, and will be fully described in an EMSA.

## Section 185.302 Stakeholder Group, Members

- A stakeholder group assembled by a sponsor shall represent a cross-section of persons interested in a proposed pilot project, and may include, though need not be limited to, representatives from:
  - Community groups, including citizen groups interested in environmental, economic or sustainable development issues;
  - Economic and business groups, including trade associations and labor organizations;

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- 3) Academic institutions;
  - 4) Religious organizations; and
  - 5) Other organizations or governmental entities.
- b) Any person interested in proposed pilot project who has not been selected by a sponsor to participate in the stakeholder group assembled for the proposed pilot project may so notify the Agency. The Agency shall consider this notification in determining whether to enter into an EMSA with the sponsor.

## Section 185.304 Sponsor Obligations

- a) If a proposed pilot project is technically complex, the sponsor of the pilot project may be required to provide technical or other assistance, at the sponsor's expense, in order to promote informed participation by members of the stakeholder group. Any such technical assistance shall be provided by persons that are acceptable to both the sponsor and the stakeholder group.
- b) A sponsor of a pilot project shall establish, in cooperation with the stakeholder group, an on-going communication process in order to keep the stakeholder group informed regarding the status of the pilot project. The process shall include, at a minimum, annual meetings and periodic distribution of performance information that clearly conveys the progress of the pilot project, problems that have been encountered and any corrective action that has been taken in response thereto. Information pertinent to the pilot project shall be communicated in a clear and understandable manner. Scientific and other complex information should be explained in a manner that provides for productive stakeholder involvement.

## SUBPART D: PROCEDURES

## Section 185.400 Letter of Intent; Agency Response

- a) In order to initiate the process of entering into an EMSA, the sponsor of a proposed pilot project shall submit a letter of intent to the Director that shall include:
  - 1) A general description of the proposed pilot project;
  - 2) Identification of each environmental statute, regulation and permit that is applicable to the proposed pilot project and any permit appeals, variances, or adjusted standard petitions which are currently applicable to the proposed pilot project or are pending before the Illinois Pollution Control Board or any court;
  - 3) A statement by the sponsor regarding the compliance status of the proposed pilot project and the sponsor, owner and operator who will implement the proposed pilot project, with respect to all applicable State and Federal environmental statutes and regulations. Any changes to the compliance status of the proposed pilot project and its sponsor, owner and operator during development of an EMSA must be promptly reported to the Agency;

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- 4) Identification of persons or groups whom the sponsor believes should serve as members of the stakeholder group in the development and implementation of the proposed pilot project.
- b) The Agency shall respond in writing to a letter of intent within 60 days after receipt of such letter. Such response shall include a determination of whether the letter of intent contains the information required by subsection (a) of this Section, as well as a determination whether development of an EMSA for the proposed pilot project is warranted.
- 1) If the Agency determines that the letter of intent does not contain information required by subsection (a) of this Section, it may identify such information and provide the sponsor with an opportunity to revise and resubmit the letter of intent.
- 2) If the Agency determines that the letter of intent, as described, contains the information required by subsection (a) of this Section, the letter of intent does not warrant development of an EMSA. It shall state the basis for its decision.
- 3) If the Agency determines that the proposed pilot project, as described in the letter of intent, contains the information prescribed by subsection (a) of this Section and warrants development of an EMSA, it shall notify the sponsor that it may proceed with development of a draft EMSA.

## Section 185.402 Development of an EMSA

- a) The Agency and the sponsor shall decide upon an acceptable development schedule for the EMSA and the proposed pilot project.
- b) A sponsor shall submit to the Director a draft EMSA. At a minimum, the draft EMSA shall include:
  - 1) Identification of the sponsors;
  - 2) Identification of all State and Federal environmental statutes and regulations applicable to the proposed pilot project and the owner or operator of the proposed pilot project;
  - 3) Identification of any State or Federal environmental statutes and regulations which are inconsistent with the terms of the draft EMSA and would cease to be applicable should the EMSA be approved;
  - 4) A description of the innovative environmental measures being proposed as part of the pilot project;
  - 5) An explanation of the manner in which the proposed pilot project will achieve the stated purposes in subsection (b) of Section 185.304 of the Act;
  - 6) Identification of those members of the general public, representatives of local communities, and environmental groups who have an interest in the proposed pilot project;
  - 7) A description of the manner in which the EMSA will provide for productive involvement by the stakeholder group in the design and implementation of the proposed pilot project;

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- 8) A description of the measures or techniques that will be used to achieve compliance with the EMSA, including, at a minimum, an annual evaluation of the pilot project;
- 9) Terms and conditions for voluntary termination of the pilot project; and
- 10) An explanation of the manner in which statutory or regulatory environmental requirements that become applicable to the pilot project or its sponsor, owner or operator after the effective date of the EMSA shall be addressed.

- c) Upon submittal of the initial draft EMSA, a sponsor shall provide an executive summary of the initial draft EMSA and proposed pilot project described and submitted in accordance with subsection (b) of this Section to the following persons and inform them that they may obtain the complete summary of the proposed pilot project:
  - 1) The Illinois Attorney General;
  - 2) Members of the Illinois General Assembly representing the legislative districts in which the pilot project is located;
  - 3) The State's Attorney General; and
  - 4) The State's Attorney for the county in which the pilot project is located.

- b) A sponsor shall provide notice, by publication in a newspaper of general circulation in the area in which the proposed pilot project is located, that it has submitted an initial draft EMSA for consideration by the Agency. Such notice shall include a statement that interested persons may contact the sponsor to request that they be named to the stakeholder group in the development and implementation of the pilot project. The notice shall be published within 7 calendar days from the date the initial draft EMSA has been submitted to the Agency in accordance with subsection (b) of this Section.
- c) The Agency shall give preference to and allow greater incentives in an EMSA for pilot projects that include provisions for operating sustainably through continuous improvements in products and processes. Desirable components of a pilot project include, but are not limited to, the following:
  - 1) Incorporating source reduction into core business practices;
  - 2) Avoiding the production of waste and pollution in products and processes;
  - 3) Accounting for total environmental impact throughout the life cycle of products;
  - 4) Improving efficiency in the use of raw materials, energy, water or other resources;
  - 5) Employing planning processes or techniques to identify source reduction and product stewardship opportunities;
  - 6) Training and encouraging employees to identify opportunities for environmental improvement;
  - 7) Protecting and enhancing natural resources; and
  - 8) Ensuring that information and reporting systems track progress toward goals and document improvements.

- b) The Agency shall encourage the development and use of Environmental

## ENVIRONMENTAL PROTECTION AGENCY

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- c) Management Systems as part of a pilot project.
- d) The Agency shall reject proposed pilot projects that generate adverse environmental consequences, particularly those stimulating intermediate pollutant transfers without providing a net environmental gain.

## Section 185.404 Public Notice, Comment and Hearing

Prior to entering into an EMSA, the Agency shall provide notice to the public, including an opportunity for public comment and hearing in accordance with the procedures set forth at 35 Ill. Adm. Code 164. All costs associated with the notice, comment and hearing shall be paid by the sponsor of the proposed pilot project. Public comments on a proposed pilot project and an EMSA may be submitted to the Agency at any time prior to the public notice and comment and hearing provided for by 35 Ill. Adm. Code 164.

## Section 185.406 Criteria for Approval of an EMSA

- a) In accordance with Section 52.3-1 of the Act, the Agency may only approve an EMSA if the sponsor demonstrates that the proposed pilot project would:
  - 1) Achieve emissions reductions or reductions in discharges or wastes beyond the otherwise applicable statutory and regulatory requirements through pollution prevention or other suitable means; or
  - 2) Achieve real environmental risk reduction or foster environmental compliance by other persons regulated under the Act in a manner that is clearly superior to the existing regulatory means.
- b) An pilot under this Part shall contain adequate provisions to ensure that its goals and conditions are performed by the sponsor. Performance of the conditions of an EMSA must be measurable and verifiable, and shall be monitored, documented and reported by a sponsor in a clear and complete manner.

## Section 185.408 Execution of an EMSA

- a) An EMSA developed in accordance with this Part, and which has been approved by the Director, shall become effective upon signature by the sponsor and the Director.
- b) An EMSA shall operate in lieu of all applicable environmental requirements under Illinois statutes, regulations, and existing regulations that are identified in the EMSA. Any environmental statute, regulation or regulation that existing permit that differs from a term or condition in an EMSA shall not apply on the effective date of an initial or renewed EMSA until it is specifically repealed. Any EMSA executed in accordance with this Part shall be publicly available and shall be distributed to all members of the stakeholder group.

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## Section 185.410 Performance Assurance

- a) The Agency is authorized to monitor compliance with the EMSA and may access and enter the facilities, buildings or property that are the subject of the pilot project for purposes of monitoring compliance, and to require such record-keeping and reporting as it deems appropriate, including a final report assessing the environmental, regulatory and economic results of the pilot project.
- b) The sponsor of an EMSA shall specify the manner in which performance of the terms and conditions of an EMSA shall be assured. The Agency shall consider the following in determining whether an EMSA contains adequate provisions to assure performance:
  - 1) The technical complexity of the proposed pilot project;
  - 2) The environmental risk associated with the proposed pilot project; and
  - 3) The uncertainty that the proposed innovative environmental measure authorized by the EMSA will be successful.
- c) A sponsor's performance of the terms and conditions of an EMSA shall be assessed not less than annually, and such assessment may include an evaluation of the sponsor's performance by a third party acceptable to the Agency and qualified to make such an evaluation.
- d) Notification of Nonperformance
  - 1) A sponsor shall notify the Agency and all members of the stakeholder group of any nonperformance of a term or condition of an EMSA. A notification under this subsection (d) shall include a description of any activity performed by the sponsor to cure or mitigate the effects of the nonperformance.
  - 2) The Agency shall investigate and monitor a sponsor to determine whether the sponsor has responded adequately to any nonperformance notification. Members of the stakeholder group of the results of its investigation.
- e) Upon identification of nonperformance of the terms or conditions of an EMSA, the Agency may, consistent with this Part, enforce the terms of such EMSA.
- f) An EMSA may contain provisions for alternative dispute resolution.

## Section 185.412 Modification of an EMSA

- a) An EMSA executed under this Part may be amended by mutual agreement between the Agency and a sponsor, provided all members of the stakeholder group have received prior written notice and an opportunity to comment on a proposed modification to the EMSA.
- b) Either the Agency or a sponsor may request modification of an EMSA at any time. The Agency cannot rescind or amend a modification of an EMSA until 60 calendar days, either party may initiate proceedings to terminate the EMSA.

## Section 185.414 Termination of an EMSA

## a) Termination by the Agency

- 1) In the case of deficient performance of any term or condition in an EMSA that prevents achievement of the stated purposes in subsection (b) of Section 52.3-1 of the Act, the Agency may terminate the agreement and the participant may be subject to enforcement in accordance with the provisions of Section 31 or 42 of the Act. (Section 52.3-4(b) of the Act)
- 2) If the agreement is terminated, the owner or operator of a pilot project shall have sufficient time to apply for and receive any necessary permits to continue the operations in effect during the course of the EMSA. Any such application shall also be deemed a timely and complete application for renewal of an existing permit under applicable Section 32-2-7(C) of the Act.
- 3) The Agency shall follow procedures for involuntary termination established by the board.

## b) Termination by the Sponsor

- 1) A sponsor may terminate an EMSA at any time upon written notice to the Agency and members of the stakeholder group. Notice must be given at least 90 days prior to termination.
- 2) Upon termination of an EMSA, a sponsor shall be subject to, and shall comply with, all applicable State, Federal and local environmental statutes, regulations and ordinances.

## Section 185.416 Renewal of an EMSA

- a) The Agency's authority to execute initial EMSAs under the Act and this Part shall expire on December 31, 2001. An initial agreement shall be renewed for additional periods of up to 5 years after December 31, 2001, if the Agency finds the EMSA continues to meet applicable requirements and the purposes of Section 52.3-1 of the Act.
- b) In determining whether to renew an EMSA initially executed prior to December 31, 2001, the Agency shall consider all relevant factors, including but not limited to:
  - 1) The environmental, regulatory and economic results of the pilot project during the initial term of the EMSA;
  - 2) The likelihood that renewal of the EMSA will advance the purposes of Section 52.3-1 of the Act; and
  - 3) Stakeholder satisfaction with the pilot project.
- c) It shall be within the sole discretion of the Agency to renew an EMSA initially executed prior to December 31, 2001, and its decision shall be final.
- d) Prior to appealing an EMSA under this Section, the Agency shall comply with the public notice, comment and hearing provisions of Section 185.404 of this Part.
- e) A sponsor requesting to renew an EMSA shall submit its renewal application to the Agency no later than 6 months prior to the expiration of the initial EMSA. The Agency shall have 60 days after receipt to accept or reject a renewal application. The Agency's

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failure to notify an applicant that it has accepted a renewal application shall be deemed a rejection of the renewal application if the Agency rejects or declines to accept the pilot project and its owner/operator shall be in compliance with all environmental laws, regulations and ordinances applicable to the pilot project and its owner or operator within 6 months after expiration of the initial EMSA.

## OFFICE OF THE STATE FIRE MARSHAL

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- 1) Heading of the Part: Policy and Procedures Manual for Fire Protection Personnel
- 2) Code Citation: 41 Ill. Adm. Code 140
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
140.15	Amendment
140.20	Amendment
140.300	Amendment
140.310	Amendment
140.320	Amendment
140.325	Amendment
140.350	Amendment
140.500	Amendment
- 4) Statutory Authority: 50 ILCS 740/8 and 20 ILCS 2910/1
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 90-20 changed the dates for reimbursement funding from the State Fiscal Year to a period determined by the Office of the State Fire Marshal; the Office proposes to use a calendar year for funding. Since the Office has already reimbursed local governments for training through June 30, 1997, the Office will utilize a half year for 1997 with claim forms due in March for training performed July 1, 1997 through December 31, 1997. The following years will be by full calendar years as opposed to the State Fiscal Year. The Office also is increasing the fee for special examinations from \$100 to \$300 per examination to more accurately reflect the cost of such examinations.
- 6) Will the proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This amendment does not impose any mandate upon local governments or small businesses. It will enable local governments to have two months to prepare their claims as opposed to 3 weeks under current rules. The increase in fees is to recoup costs associated with giving of special examinations; there are no fees for regularly scheduled examinations.
- 11) Time, Place and Manner in which interested parties may comment on this proposed rulemaking: The Office will accept written comments for a period

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of 45 days after the date of this publication. The written comments should be directed to:

John J. Pavlou, General Counsel  
Office of the State Fire Marshal  
1035 Stevenson Drive  
Springfield, IL 62703-4259  
(217) 785-1031

## 12) Initial Regulatory Flexibility Analysis:

A) Types of Small Businesses and Municipalities Affected: Municipalities that are participating for reimbursement funding from the Office of the State Fire Marshal.

B) Recording, bookkeeping or other procedures required for compliance: No new requirements.

C) Types of Professional Skills necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The rulemaking was not anticipated at the time the most recent agenda was published.

The full text of the Proposed Amendments begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL  
NOTICE OF PROPOSED AMENDMENTSTITLE 41: FIRE PROTECTION  
CHAPTER 1: OFFICE OF THE STATE FIRE MARSHAL

## PART 140

POLICY AND PROCEDURES MANUAL  
FOR FIRE PROTECTION PERSONNEL

## Section

140.1	Authority Notes
140.2	Definitions
140.3	Applicability of Part 140
140.4	Program Goals (Repealed)
140.5	Examination Procedures
140.6	Distance Reciprocity (Repealed)
140.7	Resources Required for Certification as a Provisionally Approved Training Facility
140.8	Resources Required for Certification as an Unlimited Training Facility or Regional Training Center
140.9	Certificates Earned by Bypass Examination
140.10	Examination Procedures for End-of-Course Exams Not Administered by the Office
140.11	Course Approval Equivalency Requirements for Participation
140.12	Course Approval Standards
140.13	Developmental Sequence (Repealed)
140.14	Certified Firefighter I (Repealed)
140.15	Certified Firefighter II
140.16	Airport Firefighter
140.17	Certified Firefighter III
140.18	Certified Fire Apparatus Engineer
140.19	Fire Officer I
140.20	Fire Officer II
140.21	Fire Officer III
140.22	Instructor (Repealed)
140.23	Special Instructor (Repealed)
140.24	Fire Service Instructor I
140.25	Fire Service Instructor II
140.26	Fire Service Instructor III
140.27	Fire Service Instructor IV
140.28	Airport Firefighter (Repealed)
140.29	Fire Prevention Officer
140.30	Public Fire and Life Safety Educator II
140.31	Public Fire and Life Safety Educator III
140.32	Bypass Examination
140.33	Fire Investigator
140.34	Arson Investigator

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- 140.215 Fire Inspector II  
 140.220 Fire Inspector III  
 140.225 Hazardous Materials First Responder-Awareness  
 140.230 Hazardous Materials First Responder-Operations  
 140.232 Hazardous Materials Technician  
 140.234 Chemistry of Hazardous Materials  
 140.236 Hazardous Materials Refresher-Training  
 140.238 Hazardous Materials Refresher-Exercises  
 140.240 Hazardous Materials Roadway Extrication  
 140.241 Confined Space/Trench Rescue Awareness  
 140.242 Rescue Specialist - Confined Space  
 140.243 Rescue Specialist - Trench I  
 140.245 Rescue Specialist - Vertical I/Ropes and Rigging  
 140.246 Rescue Specialist - Vertical II/High Angle  
 140.250 Hazardous Materials Specialist (Repealed)  
 140.300 Rules and Regulations for Reimbursement Funding  
 140.305 Prerequisites for Participation for Reimbursement Funding  
 140.310 Requirements  
 140.315 Claim Reading  
 140.320 Student Reimbursement  
 140.325 Appropriations  
 140.350 Advanced Training Programs  
 140.360 Prerequisites Necessary to Qualify an Individual for Reimbursement Funding  
 140.370 Prerequisites Necessary to Qualify an Individual for Reimbursement Funding  
 140.380 Prerequisites Necessary to Qualify an Individual for Reimbursement Funding  
 140.390 Advisory Committees  
 140.400 Invalidity of a Student's State Examination Score  
 140.410 Appeals Process  
 140.420 Appeals Process

AUTHORITY: Implementing and authorized by Sections 9 and 11 of the Illinois Fire Protection Training Act (20 ILCS 740/9 and 11) and the Peace Officer Fire Investigation Act (20 ILCS 2910).

SOURCE: Adopted at 3 Ill. Reg. 37, p. 168, effective September 15, 1979; codified at 5 Ill. Reg. 10681; emergency amendment at 6 Ill. Reg. 7551, effective June 16, 1982, for a maximum of 150 days; emergency expired November 13, 1982; emergency amendment at 6 Ill. Reg. 8474, effective July 1, 1982, for a maximum of 150 days; emergency expired November 27, 1982; amended at 7 Ill. Reg. 2336, effective February 16, 1983; amended at 7 Ill. Reg. 12944, effective September 23, 1993; amended at 10 Ill. Reg. 4231 effective February 20, 1986; amended at 11 Ill. Reg. 17108, effective October 8, 1987; amended at 14 Ill. Reg. 19185, effective November 26, 1990; emergency amendment at 15 Ill. Reg. 11811, effective June 29, 1993, for a maximum of 150 days; emergency expired on November 18, 1993; amended at 18 Ill. Reg. 12696, effective August 8, 1994; amended at 21 Ill. Reg. 8211, effective July 1, 1997; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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## Section 140.15 Course Approval

All organizations, institutions, fire departments, colleges and companies wishing to offer a course leading to certification must submit a "Course Approval" form to the Office according to the following schedule:

- Fire Departments:
  - Fire departments must submit "Course Approval Form" once each five years, with the exception of Rescue Specialist. (See Section 140.241, 242, 243, 245, 246.) New forms must be submitted if:
    - A new Fire Chief is employed, or
    - Additional course or courses are added to the training schedule.
  - Forms are due January 1 and must be renewed by June 30 December 31 of the fifth year following approval. Approvals not renewed by June 30 December 31 will not be approved for that year. If the approval is not renewed, the training and examinations will not be honored until the course approval is renewed the following fiscal year.
- Approvals will be granted on a fiscal-year calendar year. Fiscal years end on June 30.
- Colleges, organizations, institutions and companies:
  - "Course Approval Form" must be submitted once each five years with accompanying materials:
    - Appropriate course correlation form
    - Syllabi and course content; end-of-course exam; name and credentials of instructor
    - End-of-course syllabi and content shall be correlated to the Office established objectives.
  - Course approval extension forms may be used for the next four years if no changes are made in previously approved course.
- Instructor Requirements. Approval will be granted upon proof of the following: experience, education and/or training indicating competence in the technical area to be taught. In making the determination of competency, the Office shall consider, but is not limited to, transcripts, certificates, job descriptions or other evidence of experience and training.
- Course completion rosters must be submitted to the Office listing individuals who successfully completed course.
- The Office reserves the right to monitor and evaluate the delivery of the course and to require additional requirements:
  - Provide for records of student attendance (i.e., a minimum of 80 per cent is required) and for student evaluations of the course.
  - Maintain all financial records for a minimum of five years after the conclusion of the course.
  - The length of time required to retain training records shall be determined by the local government based on their Records Retention schedule, but shall be retained for at least five years

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for audit purposes.

- 4) Maintain complete student records of course completion and test scores.

A) If a course involves college credit, the student's transcript is the complete student record.

B) If a course is non-credit, the delivering agency shall obtain a written student waiver-of-privacy and shall provide complete student records to the Division at the completion of the course.

- 5) Allow Division personnel to observe and monitor all approved courses to assure agreement compliance and compliance with State rules.

f) The Office may revoke course approvals if an agency is found to be in violation of course approval requirements or requirements contained elsewhere in these rules. In determining whether to revoke, the Office shall consider the seriousness or frequency of the offenses.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.20 Requirements for Participation

All local governmental agencies and individuals may elect to participate in the training and certification program of the Office, subject to the rules and regulations of the Office. Only those individuals who are eligible to participate for certification only, or for certification and reimbursement for training expenses as described in the Illinois Fire Protection Training Act [50 ILCS 740].

- a) The local government agency must pass an Ordinance agreeing to participate if reimbursement funding is to be sought.

1) The Office will provide the governing body with a copy of a model Ordinance upon request.

2) For participation for reimbursement funding each local governmental agency must pass an Ordinance requiring trainees to be certified at the Firefighter II level by the end of the probationary period. The ordinance must state the length of the probationary period. A certified copy of the required Ordinance must be sent to the Office.

A) Local governmental agencies under Sections 10-7-7 and 10-2-1-4 of the Illinois Municipal Code [65 ILCS 5/10-7-7 and 10-2-1-4] are limited to probationary periods not to exceed one year for all firefighters except those having paramedic duties.

B) All local governmental agencies which participate for reimbursement funding and file a certified copy of the required Ordinance shall be eligible for reimbursement funding from the date a certified copy of the Ordinance is received by the Office. Reimbursement funding for trainees

## OFFICE OF THE STATE FIRE MARSHAL

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and permanent fire protection personnel will be paid only for courses begun after the date of the receipt of the certified copy of Ordinance.

- C) Failure of any trainee to complete such basic training and certification within the required period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that individual in the fiscal year in which his/her probationary period ends. The individual may later become certified without reimbursement.

- 3) Personnel who are department members prior to the date of the Ordinance are not required by the Office to become certified as firefighter II but may do so on a voluntary basis. Reimbursement funding is available for such training for three years from the date that a certified copy of the Ordinance is filed with the Office.

- 4) Individuals may receive reimbursement for training costs if employed by a unit of local government which participates for reimbursement funding and the individual is otherwise eligible. Such reimbursement is limited to out-of-pocket expenses not paid or reimbursed, in whole or in part, by a local governmental agency.

- 5) Individuals and departments may participate in all aspects of the program for certification without the Ordinance. The Ordinance is required, however, to qualify an agency to receive reimbursement funding.

- 6) The Board of Police and Fire Commissioners, or the Civil Service Commission, or the local department of personnel or any other department or commission charged with the authority to make rules and regulations concerning Firefighter II certification, must file a copy of their rules which require such certification prior to commencing regular employment as a firefighter with the Office. Any subsequent changes to the rules must be sent to the Office.

## b) Facility approval

- 1) A department must have a Provisionally Approved Training Facility or a Departmentally Certified Training Facility.

2) A department must have an Unlabeled Approved Training Facility to offer Firefighter III training. See Section 140.12.

- 3) A department must have Unlimited Facility Approval to operate as a regional training center.

- 4) A department may use the facilities of a regional training center or the Illinois Fire Service Institute for approved firefighter training.

c) Instructor Certification. See Sections 140.110, 140.130, 140.140, 140.150 and 140.160.

d) Course Approval. See Section 140.15.

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(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.300 Rules and Regulations for Reimbursement Funding

- a) The Illinois Fire Protection Training Act, as amended (the Act) (4310 ILCS 1985-1985-45-45-544) [50 ILCS 740] mandates the Office to reimburse "local governmental agencies or individuals participating in the training program in an amount equaling 1/2 of the sum total paid by them during the period established by the Office previous fiscal year for tuition at training schools, salary of trainees while in school, necessary travel expenses and room and board for each trainee." In addition to reimbursement for trainees, "the Office in each year shall reimburse the local governmental agencies participating in the training program for permanent fire protection personnel in the same manner as trainees for each such training year."
- b) Section 10 Paragraph 544 of the Act also specifies that in the event that the annual appropriation for the reimbursement funding is insufficient to pay reimbursement in full (i.e., at the 50 percent level), "the appropriation shall be apportioned among the participating local governmental agencies." Further, "no local government agency which shall alter or change in any manner any of the training programs as promulgated under this Act or fail to comply with rules and regulations promulgated under this Act shall be entitled to receive any matching funds under this Act."
- c) Section 9 Paragraph 549 of the Act mandates that local governmental agencies "shall require by ordinance that a trainee complete a basic course approved by the Office, and pass the State test for certification at the basic level within the probationary period as prescribed by the Office." The local governmental agency shall participate for reimbursement funding. "A certified copy of the ordinance must be on file with the Office."

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.310 Requirements

The Office defines the minimum basic requirement to be completed by a recruit firefighter as follows:

- a) The trainee prior to becoming a permanent member of the fire department to be a Certified Firefighter II level.
- b) All local governmental agencies electing to participate for reimbursement funding must have firefighter trainees certified at the Firefighter II level by the end of their probationary period. The length of the probationary period will be determined by the local governmental agency. The local governmental agency must submit evidence of certification to the Office of Management Services.
- c) Reimbursement funding for firefighter training shall be based on the amount of required probationary period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that

## OFFICE OF THE STATE FIRE MARSHAL

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individual in the calendar fiscat year in which his probationary period ends. The individual may later become certified without reimbursement.

Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 140.320 Claim Deadline

Municipalities, Fire Protection Districts and individuals are encouraged to submit claims as soon as possible after the successful completion of any reimbursable training.

- a) Claims for reimbursement can be made only for training within or subsequent to training.
- b) A calendar fiscal year (January 1 – December 31) ~~ends~~-----June 30, 1997, for the receipt of claim forms is 5:00 p.m. on February 28, 1997.
- c) In the event that February 28 ~~of~~ falls on a Saturday or Sunday, the claim forms must be received by the Office by 5:00 p.m. on the next business day preceding Friday.
- d) Claim forms must be received by the Office, and not mailed, by the specified dates. Any claim forms arriving after the deadline date will be denied. Payment of reimbursement will be denied.
- e) Claims for training from July 1, 1997 to December 31, 1997, must be submitted by March 2, 1998.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.325 Amount of Reimbursement

The Office will reimburse up to 50 percent of the following costs:

- 1) Salary, according to an opinion from the Attorney General, is that sum actually paid to a trainee while in school by the employer (Local Governmental Agency). It does not include employer contributions to insurance and pension programs, but does include contributions deducted from a trainee's salary for insurance and retirement.
- 2) The formula for computing a trainee's hourly salary is yearly salary divided by the number of hours for which paid. It is realized that hourly shifts may vary from 40 to 56 or more hours per week. In such instances, the formula should be adjusted to most nearly reflect the above in definition.
- 3) If there is a variation in an individual's salary or between firefighters of equal grade, the claimant should explain these variations on the claim form, e.g.,
  - A) Promotion 100 hours @ \$45

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- B) 1 1/2 time overtime  
 OR  
 100 hours @ \$4.65  
 50 hours @ \$6.98
- b) Tuition and/or registration fees.  
 c) Food, not to exceed State Travel Regulations as promulgated by the Governor's Travel Control Board.  
 d) Transportation costs, not to exceed State Travel Regulations as promulgated by the Governor's Travel Control Board.  
 1) If the course is five or more consecutive days and lodging is available (availability means that hotels, motels, dormitories, or other sleeping facilities may be hired for overnight lodging in the nearby vicinity), the Office will reimburse for one round trip to the training center per week for the duration of the course.  
 2) If the course is offered on non-consecutive days, the Office will reimburse round trip transportation costs for each day.  
 3) If the course is offered on consecutive days (e.g., Saturday and Sunday) and overnight lodging is available, the Office will reimburse for only one round trip per consecutive day period (e.g., six round trips for a course offered on six consecutive weekends).  
 A) If the travel distance is less than 50 miles, the Office will only reimburse for each round trip.  
 B) If the travel distance is 50 miles or greater and lodging is available, the Office will reimburse for one round trip and lodging costs per consecutive day period.  
 4) When the training center charges a ride to a training location with other individuals, reimbursement will be provided for only one vehicle (i.e., reimbursement for mileage will only be provided for one person when two or more persons travel together, as in car pools).  
 e) Lodging, not to exceed lodging costs approved by the State Travel Regulations as promulgated by the Governor's Travel Control Board.  
 f) The Office will reimburse for other expenses in the amount authorized for Office employees by the State Travel Regulations as promulgated by the Governor's Travel Control Board, or the amount requested by the local governmental agency or individual whichever is less.  
 g) For the figures in effect for a given calendar fiscal year, individuals, municipalities and Fire Protection Districts should contact the Office for a copy of the applicable travel regulations promulgated by the Governor's Travel Control Board. Such regulations approved by the Governor's Travel Control Board (80 Ill. Adm. Code 2800), or their successors, for the calendar fiscal year.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE STATE FIRE MARSHAL

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## Section 140.350 Appropriations

In accordance with the enabling legislation, in the event that appropriation for reimbursement for training of fire protection personnel is insufficient to meet all claims at the 50 percent level, all claims will be reduced proportionately and all claims will be paid in the same proportion. No more than 50 percent of the reimbursements distributed to local governmental agencies in any calendar fiscal year shall be distributed to local governmental agencies of more than 500,000 persons.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.500 Fees

The Office hereby adopts the following fee schedule for the Division of Personnel Standards and Education:

Approval Review of Facilities (Sections 140.11 and 140.12) \$ 0.00  
 Administering examinations, per examination (Section 140.8) 0.00  
 Review of equivalency courses (Section 140.18) 0.00  
 Review of Course Approval Requests (Section 140.15) 0.00  
 Fee for Certificates (all training levels) 0.00  
 Fee for Special examinations not on regular schedule 300.00 fees

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Dietetic and Nutrition Services Practice Act  
2) Code Citation: 68 Ill. Adm. Code 1245

- 3) Section Numbers:                      Proposed Action:  
1245.10                      Amendment  
1245.160                      New Section  
1245.220                      Amendment  
1245.260                      New Section  
1245.300                      Amendment  
1245.310                      New Section  
1245.330                      New Section

- 4) Statutory Authority: Implementing the Dietetic and Nutrition Services Practice Act [225 ILCS 30]

- 5) A Complete Description of the Subjects and Issues Involved: Various changes were necessitated after the implementation of the Act as the Dietetic and Nutrition Practices Board has recognized the need for further definition and clarification. In addition, provisions are being added for continuing education, professional conduct standards, and for restoration of licenses.

- 6) Will these proposed amendments replace emergency rules currently in effect? No

- 7) Does this rulemaking contain an automatic renewal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation  
Attn: Kathleen A. Connelley  
320 West Washington Street, 3rd Floor  
Springfield, IL 62786  
217/785-0813

All written comments received within 45 days after this issue of the Illinois Register will be considered.

- 12) Initial Regulatory Flexibility Analysis:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Businesses providing dietetic or nutrition services.  
B) Reporting, bookkeeping or other procedures required for compliance: Licensees will be required to maintain records of their completed CE.  
C) Types of professional skills necessary for compliance: Dietetic and nutrition skills are required for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

SOURCE: Adopted at 19 Ill. Reg. 7598, effective May 26, 1995; expedited correction at 19 Ill. Reg. 11678, effective May 26, 1995; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: DEFINITIONS

## Section 1245.10 Definitions

"Act" means the Dietetic and Nutrition Services Practice Act (PRA: 61-7647-effective January 17-1992) [225 ILCS 30].

"Board" means the Dietetic and Nutrition Services Practice Board.

"Department" means the Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Direct Supervision" means supervision by a licensed dietitian, licensed nutrition counselor or other appropriate supervisor as defined in Sections 1245.140 and 1245.240 of this Part. The supervisor shall:

Meet at regularly scheduled sessions with the supervisee a minimum of one hour each week;

Be responsible for the standard of work performed by the individual under supervision; and

Have knowledge of patients/clients and the case information.

"Licensed dietitian" means a person licensed by the Department to practice dietetics as defined in Section 10 of the Act. Dietetics includes all aspects of nutrition care for individuals and groups, including, but not limited to, nutrition assessment, nutrition counseling, nutrition education, nutrition services and medical nutrition care. Activities of a licensed dietitian do not include the medical differential diagnoses of the health status of an individual.

"Licensed nutrition counselor" means a person licensed by the Department to provide nutrition services as defined in Section 10 of the Act. Nutrition services include, but are not limited to, nutrition assessments, nutrition education and nutrition counseling. Activities of a licensed nutrition counselor do not include medical nutrition care and do not include the medical differential diagnoses of the health status of an individual.

"Medical nutrition care" means the component of nutrition care that

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VIII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS  
PART 1245

## DIETETIC AND NUTRITION SERVICES PRACTICE ACT

## SUBPART A: DEFINITIONS

## Section 1245.10

## Definitions

## SUBPART B: DIETITIAN

Section 1245.100 Application for licensure as a Dietitian Under Section 60(a) of the Act (Grandfathered)  
1245.110 Application for Examination/Licensure  
1245.120 Examination  
1245.130 Approved Programs in Dietetics  
1245.140 Experience  
1245.150 Endorsement  
1245.160 Restoration

## SUBPART C: NUTRITION COUNSELOR

Section 1245.200 Application for Licensure as a Nutrition Counselor Under Section 60(b) of the Act (Grandfathered)  
1245.210 Application for Examination/Licensure  
1245.220 Examination  
1245.230 Approved Programs of Nutrition Counselors  
1245.240 Experience  
1245.250 Endorsement  
1245.260 Restoration

## SUBPART D: GENERAL

Section 1245.300 Renewal  
1245.310 Continuing Education  
1245.320 Inactive Status  
1245.330 Unprofessional Conduct  
1245.340 Granting Variances

AUTHORITY: Implementing the Dietetic and Nutrition Services Practice Act [225 ILCS 30] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

deals with interpreting and recommending nutrient needs relative to medically prescribed diets, including, but not limited to, tube feedings, specialized intravenous solutions and specialized oral feedings; food and prescription drug interactions; and developing and managing food service operations whose chief function is nutrition care and providing medically prescribed diets.

"Nutrition assessment" means the evaluation of the nutrition needs of individuals or groups using appropriate data to determine nutrient intake and/or recommendation. A dietitian's assessment includes the mere collection of nutrition and health data is not sufficient. Assessment and does not require licensure under the Act, unless activities include an evaluation of nutrition needs and nutrition recommendations.

"Nutrition care" means a dietary intervention whose primary function is to improve an individual's nutrition status and involves modification to meet individual needs. Provision of food for general sustenance of being is not construed as nutrition care and not subject to regulation under the Act and this Part.

"Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition information by interacting information from the nutrition assessment. The distribution by an individual of written nutrition educational material prepared by or approved in writing by a licensee is not nutrition counseling or nutrition education and any person distributing such written material need not be licensed under this Act.

"Nutrition education" means a planned nutrition program based on learning objectives with expected outcomes.

"Nutrition information" is oral or written factual data that includes:

Food sources of vitamins, minerals and nutrients;

Nutrient analysis of food, food items, recipes and menus;

Reporting the results of published scientific studies as long as the source is cited and recommendations are general in nature and are limited to those included in the published study;

Instruction and uses of food, dietary supplements and food material consistent with State and Federal laws (i.e., Federal Food and Drug Administration, Department of Public Health); and

The display or distribution of printed, audio or video nutrition education information developed by a licensee, an entity of any

## DEPARTMENT OF PROFESSIONAL REGULATION

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federal, state or local government, or any nonprofit organization as outlined in Section 20(a) of the Act.

All health claims shall be consistent with the Federal Food and Drug Administration regulations.

Individuals are not required to be licensed to provide nutrition information; however, the evaluation of an individual's or group's diet intake and/or recommendation or dietary changes is considered a dietitian's service and a licensee would be required to perform these activities.

"Registered dietitian" means a person registered with the Commission on Dietetic Registration.

"Restorative care to attainment of optimal health" relates to the use of foods, nutrients and/or dietary supplements for individuals or groups who may or may not have a diagnosed disease or medical condition, as long as it is not medical nutrition therapy. If a person has a diagnosed disease or medical condition and is on a dietitian's service, the dietitian's service shall be limited to the limited to use of foods, nutrients and/or dietary supplements so as to not directly impact or contraindicate the diagnosed disease or medical condition of the individual or group.

"Supervision" means supervision by a licensed dietitian, licensed nutrition counselor or other appropriate supervisor as defined in Sections 1245.140 and 1245.240. The supervisor shall:

Meet at regularly scheduled sessions with the supervisee a minimum of one hour per month;

Be responsible for the standard of work performed by the individual under supervision; and

Have knowledge of patients/clients and the case information.

"Treatment Program" is any nutrition intervention designed for an individual or group with a specific medical diagnosis, using foods, nutrients and/or dietary supplements so as to directly and specifically impact the medical condition and health status of the individual or group.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: DIETITIAN

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## Section 1245.160 Restoration

- a) Any dietitian whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 85 of the Act and providing proof of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 85 of the Act and proof of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration. The applicant shall submit:
  - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice.
  - 2) An affidavit attesting to military service as provided in Section 65 of the Act.
  - 3) Proof of passage of the ADV/COR examination for dietitians during the period the license was lapsed or on inactive status or
  - 4) Current "Registered Dietitian" status from the Commission on Dietetic Registration.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the evidence is questioned by the Department, the applicant shall be required to provide clarification. Such clarification shall be provided in writing. If the applicant fails to provide clarification, the licensee seeking restoration shall be requested to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- d) Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: NUTRITION COUNSELOR

## Section 1245.220 Examination

- a) The examination for licensed nutrition counselors shall be the examination authorized by the Department, administered by the Department and provided by the Certification Board for Nutrition

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## Specialists-with-the-American-College-of-Nutrition

- b) The passing score on the examination shall be the passing score of the testing entity.
  - c) Applicants who fail the examination 3 times in Illinois or any other jurisdiction shall be required to submit proof to the Department of the completion of 6 semester hours of nutrition course work as set forth in Section 1245.230(a)(6) prior to sitting for the examination a fourth time. An individual who has failed the examination 3 times shall be allowed to work under the direct supervision of an appropriate supervisor as defined in Section 1245.240(a).
- (Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1245.260 Restoration

- a) Any nutrition counselor whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 85 of the Act and providing proof of meeting continuing education requirements of Section 1245.220 of this Part during the 2 years prior to restoration.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 85 of the Act and proof of meeting continuing education requirements of Section 1245.220 of this Part during the 2 years prior to restoration. The applicant shall submit:
  - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice.
  - 2) An affidavit attesting to military service as provided in Section 65 of the Act; or
  - 3) Proof of passage of the Department authorized examination for nutrition counselor during the period the license was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information, the applicant shall be required to provide clarification. Such clarification shall be provided in writing. If the applicant fails to provide clarification, the licensee seeking restoration shall be requested to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- d) Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

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the reason for denying the application.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: GENERAL

## Section 1245.300 Renewal

- a) The first renewal period for licenses issued under the Act shall be October 31, 1997. Thereafter, every license issued under the Act shall expire October 31 of odd-numbered years. Beginning with the October 31, 1999 renewal and every renewal thereafter, in order to renew a license, a licensee shall be required to complete 30 hours of continuing education in accordance with Section 1245.310 of this Part. The total of such hours shall constitute the renewal requirement.
- b) It is the responsibility of each licensee to notify the Department of the expiration date by paying the required fee.
- c) Any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1245.310 Continuing Education

- a) Continuing Education Hours Requirements
  - 1) Beginning with the October 31, 1999, license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a dietitian or nutrition counselor shall complete 30 hours of continuing education (CE) relevant to the practice of dietetics or nutrition services.
- 2) A 24-month period is the 24 months beginning October 31 of each odd-numbered year.
- 3) One CE hour shall equal one clock hour. After completion of the initial CE hour, credit may be live in one-half hour increments.
- 4) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted one credit at each credit hour and shall be counted toward each semester hour of CE for each clock hour and 10 CE hours for each quarter hour of school credit awarded.
- 5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
- 6) Dietitians and nutrition counselors licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
- 7) Continuing education credit hours used to satisfy the CE

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requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

## b) Approved Continuing Education

- 1) Continuing education hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a formal on-course program that is offered or approved by the Department of Professional Regulation, or meets the requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3), (4) and (5) below.
- 2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of dietetic or nutrition services related courses that are a part of the curriculum of a college or university.
- 3) CE credit may be earned for verified teaching in a regionally accredited college, university or graduate school of dietetics approved in accordance with Section 1248.130 or nutrition education in accordance with Section 1248.130 and/or as an instructor of continuing education courses approved by the Department of Professional Regulation. Credit will be applied at the rate of 1.5 hours for every clock hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitions or presentations). A person may earn up to 10 hours per renewal.
- 4) CE credit may be earned for community education in the field of dietetics or nutrition services. A total of 6 hours of credit may be obtained during one renewal period.
- 5) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation shall constitute one hour of credit. A presentation claimed as 5 hours of credit for renewal shall be scheduled and must be before an audience of dietitians or nutrition counselors. Five credit hours may be claimed for only the first time the information is published or presented.

## c) Approved CE Sponsors and Programs

- 1) Sponsor, as used in this Section, shall mean one of the following:
  - A) American Dietetic Association (ADA), branch associations, or organizations approved as sponsors of continuing education by the Commission on Dietetic Registration (CDR).
  - B) Certification Board of Nutrition Specialists (CBNS), branch associations, or organizations approved as sponsors of continuing education by the CDR.
  - C) Regionally accredited colleges, universities.
  - D) A person, firm, association, corporation or any other group that has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses and programs.

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2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with the required fee as set forth in Section 95 of the Act. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee). The application shall include:

- A) Certification:
  - i) That all programs offered by the sponsor for CE credit shall be approved by the Department in accordance with (C)(9) below and all other criteria in this Section.
  - ii) That the sponsor shall be responsible for verifying attendance at each program and provide a certificate of attendance to the participant as set forth in subsection (C)(9) below.
  - iii) That upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and that Part and that this information is necessary to ensure compliance.
  - iv) That the sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered.
- B) A copy of a 3 hour sample program with faculty, course materials and syllabi.

3) All programs shall:

- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of dietetics or nutrition services;
- B) Foster the enhancement of general or specialized work in the practice of dietetics or nutrition services;
- C) Be extended and assisted by persons with education and/or experience in the subject matter of the program;
- D) Specify the course objectives, course content and teaching methods to be used; and
- E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for renewal of a license.

4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

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5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising promotional materials and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified but should not be identified as a presenter. The licensed sponsor shall subcontract with a presenter who is licensed in the same profession as the sponsor and shall be responsible for ensuring the presenter's responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

6) All programs given by approved sponsors shall be open to all dietitians and nutrition counselors and not be limited to members of a single organization or group.

8) To maintain approval as a sponsor, each sponsor shall submit to the Department by October 31 of each odd-numbered year a renewal application, the fee required in Section 95 of the Act and a list of courses and programs offered within the next 24 months. The list shall include a brief description, location, date and time of each program.

9) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

- A) The name, address and license number of the sponsor;
- B) The name and address of the participant;
- C) A brief statement of the subject matter;
- D) The number of hours attended in each program;
- E) The date and place of the program; and
- F) The signature of the sponsor.

10) The sponsor shall maintain attendance records for not less than 5 years.

11) The sponsor shall be responsible for assuring that no renewal application shall receive CE credit for time not actually spent attending the program.

12) Upon the failure of a sponsor to comply with any one of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 110.0), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with requirements of this Section.

13) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application,

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full compliance with the CE requirements set forth in subsections (a) and (b) above. The Board may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

- 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act, 15 ILCS 100/10-651.

#### g) Continuing Education Requirements for Renewal of License

- 1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using criteria set forth in subsection (c)(3) of this Section. Applicants may seek individual program approval prior to participating in the program.

- 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting a request for a late CE approval request form, along with a \$10 per hour late fee to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.

- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 85 (c) of the Act.

#### g) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 85(d) of the Act, stating the reasons for the facts concerning compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds, from such affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

- 2) Extreme hardship shall be determined on an individual basis by

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the Board and be defined as an inability to devote sufficient hours to fulfill the CE requirements during the applicable renewal period.

- A) Full-time service in the armed forces of the United States of America during a substantial part of the renewal period;
  - B) An incapacitating illness documented by a statement from a currently licensed physician;
  - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; and
  - D) Any other similar extenuating circumstance.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this section shall be deemed to be in compliance with the CE requirements until the final decision on the application is made by the Department.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1245.330 Unprofessional Conduct

- a) The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 1245.330, which is restricted to include, but not limited to, the following acts which are restricted to include:

- 1) Discriminating against clients on the basis of race, gender, religion, age, national origin, political affiliation, social or economic status, choice of lifestyle or sexual orientation;
- 2) Promoting or endorsing products in a manner that is not true or is misleading;
- 3) Permitting the use of his/her name to certify that professional services have been rendered when the licensee has not provided or supervised those services. When providing supervision the licensee shall assume responsibility for the actions of any person under their supervision;
- 4) Making gross deliberative misrepresentations or misleading statements to his/her clients, or misrepresentations or omissions of the efficacy or value of his/her nutrition services, or those of another practitioner;
- 5) Submission of fraudulent claims for services to any health insurance company or health service plan or third party payer;
- 6) Refusing to divulge to the Department techniques or procedures used in his/her professional activities upon request;
- 7) Practicing or offering to practice beyond one's competency (for example, providing services and techniques for which one is not qualified by education, training and experience);

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- 8) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered.
- b) A dietitian or nutrition counselor shall not advertise in any way that is fraudulent, false, deceptive or misleading. Any advertising shall be considered fraudulent, false, deceptive or misleading if it:
- 1) Contains a misrepresentation of facts;
  - 2) Makes only a partial disclosure of relevant facts;
  - 3) Represents that professional services can or will be completely performed for a stated fee when in fact this is not the case; or makes representations which are intended to lead to false and misleading claims that do not disclose all variables affecting the fees that will in fact be charged;
  - 4) Represents the licensee in a deceptive or misleading manner with respect to the profession or professional status of the licensee;
  - 5) Contains any representation of a special area of practice by the licensee which implies that the licensee requires a superior license or formal recognition by the Department other than a licensed dietitian or nutrition counselor;
  - 6) Makes false, unproven or misleading claims about the validity, safety, or effectiveness of any dietetic or nutrition related service, product or test;
  - 7) Fails to conspicuously identify the licensee by name in the advertisement.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

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- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Numbers:  
250.1305 Proposed Action:  
Amendments  
250.1320  
250.1320 Amendments  
250.1520  
250.2140 Amendments
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 250 govern the licensure of hospitals under the Hospital Licensing Act.

Section 250.1305 is being amended to permit the presence of a parent, guardian, or other individual selected by the parent or guardian, in the operating room during the induction of anesthesia on an individual who is 12 years of age or younger. The hospital must first adopt a policy on this matter, which must be approved by the Governing Board and which shall include conditions for written consent, medical record notation, safeguards against introduction of infection, additional staff, and removal of the individual from the operating room if necessary.

Section 250.1320 is being amended to permit the presence of a parent or guardian of a child 12 years of age or younger to be present with the child in recovering from a surgical procedure. The hospital must have a policy in place that includes written consent, medical record notation, safeguards against the introduction of infection, additional staff, assurance of the privacy of other recovering patients, and removal of the parent or guardian from the recovery room if necessary.

Section 250.1520 is being amended to include reporting to the Department of any incident or occurrence in a hospital that could be considered a catastrophe or creates an immediate jeopardy and/or dangerous threat, and that requires the transfer of patients to other parts of the facility or other facilities, including but not limited to fire, flood, or power failure.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

## DEPARTMENT OF PUBLIC HEALTH

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- 7) Does this Rulemaking Contain an Automatic Reveal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? Yes
- |                 |                 |                    |
|-----------------|-----------------|--------------------|
| Section Numbers | Proposed Action | Ill. Reg. Citation |
| 250.435         | Amendments      | 21 Ill. Reg. 3438  |
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Ms. Gail M. Devito  
Division of Legal Services  
Illinois Department of Public Health  
335 West Jefferson, Fifth Floor  
Springfield, IL 62761  
217/782-2043

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. Devito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

## 12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Hospitals
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Incidents that create a catastrophe or jeopardize or that threaten patients, such as fire, flood or power failure, are required to be reported to the Department.
- C) Types of Professional Skills Necessary for Compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

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The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH  
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TITLE 77: PUBLIC HEALTH  
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250  
HOSPITAL LICENSING REQUIREMENTS

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Section  
250.110 Application for and Issuance of Permit to Establish a Hospital  
250.120 Application for and Issuance of a License to Operate a Hospital  
250.130 Administration by the Department  
250.140 Hearings  
250.150 Definitions  
250.160 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section  
250.210 The Governing Board  
250.220 Accounting  
250.230 Planning  
250.240 Admissions and Discharge  
250.250 Visitation and Rights  
250.260 Patients' Rights  
250.265 Language Assistance Services  
250.270 Manuals of Procedure  
250.280 Agreement with Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

Section  
250.310 Organization  
250.315 House Staff Members  
250.320 Admission and Supervision of Patients  
250.330 Orders for Medications and Treatments  
250.340 Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section  
250.410 Organization  
250.420 Personnel Records  
250.430 Duty Assignments  
250.435 Health Care Worker Background Check  
250.440 Education Programs  
250.450 Personnel Health Requirements

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SUBPART E: LABORATORY

Benefits  
250.460  
  
Section  
250.510 Laboratory Services  
250.520 Blood and Blood Components  
250.525 Designated Blood Donor Program  
250.530 Proficiency Survey Program (Repealed)  
250.540 Laboratory Personnel (Repealed)  
250.540 Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

Section  
250.610 General Diagnostic Procedures and Treatments  
250.620 Radioactive Isotopes  
250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section  
250.710 Classification of Emergency Services  
250.720 General Requirements  
250.730 Notification of Emergency Personnel  
250.735 Emergency Services  
250.740 Disaster and Mass Casualty Program  
250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section  
250.810 Applicability of Other Parts of These Requirements  
250.820 General  
250.830 Classifications of Restorative and Rehabilitation Services  
250.840 General Requirements for all Classifications  
250.850 Specific Requirements for Comprehensive Physical Rehabilitation Services  
250.860 Medical Direction  
250.870 Nursing Services  
250.880 Additional Allied Health Services

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section  
250.910 Nursing Services  
250.920 Organizational Plan  
250.930 Role in hospital planning

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250.940 Job descriptions  
 250.950 Nursing committees  
 250.960 Specialized nursing services  
 250.970 Nursing Care Plans  
 250.980 Nursing Records and Reports  
 250.990 Unusual Incidents  
 250.1000 Meetings  
 250.1010 Education Programs  
 250.1020 Licensure  
 250.1030 Policies and Procedures  
 250.1040 Patient Care Units  
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 250.1060 Nursing Section in Patient Unit  
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 250.1080 Admission Procedures Affecting Care  
 250.1090 Sterilization and Processing of Supplies  
 250.1100 Infection Control

## SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

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 250.1210 Surgery  
 250.1220 Surgery Staff  
 250.1230 Policies and Procedures  
 250.1240 Surgical Emergencies  
 250.1250 Surgical Emergency Care  
 250.1260 Operating Room Register  
 250.1270 Surgical Patients  
 250.1280 Equipment  
 250.1290 Safety  
 250.1300 Operating Room  
 250.1305 Visitors in Operating Room  
 250.1310 Cleaning of Operating Room  
 250.1320 Requirements for Postoperative Recovery Facilities

## SUBPART K: ANESTHESIA SERVICES

Section  
 250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section  
 250.1510 Medical Records  
 250.1520 Reports

## SUBPART M: FOOD SERVICE

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Section  
 250.1610 Dietary Department Administration  
 250.1620 Facilities  
 250.1630 Menus and Nutritional Adequacy  
 250.1640 Diet Orders  
 250.1650 Frequency of Meals  
 250.1660 Therapeutic (Modified) Diets  
 250.1670 Food Preparation and Service  
 250.1680 Sanitation

## SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section  
 250.1710 Housekeeping  
 250.1720 Garbage, Refuse and Solid Waste Handling and Disposal  
 250.1730 Insect and Rodent Control  
 250.1740 Laundry Service  
 250.1750 Soiled Linen  
 250.1760 Clean Linen

## SUBPART O: MATERNITY AND NEONATAL SERVICE

Section  
 250.1810 Applicability of other Parts of these regulations  
 250.1820 General Requirements for Neonatal Services  
 250.1830 General Requirements for all Maternity Departments  
 250.1840 Discharge of Newborn Infants from Hospital  
 250.1850 Rooming-In Care of Mother and Infant  
 250.1860 Special Programs  
 250.1870 Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL  
 PLANT, SITE, EQUIPMENT, AND SYSTEMS—HEATING,  
 COOLING, ELECTRICAL, VENTILATION, PLUMBING,  
 WATER, SEWER, AND SOLID WASTE DISPOSAL

Section  
 250.1910 Maintenance  
 250.1920 Emergency electric service  
 250.1930 Water Supply  
 250.1940 Ventilation, Heating, Air Conditioning, and Air Changing Systems  
 250.1950 Grounds and Buildings Shall be Maintained  
 250.1960 Sewage, Garbage, Solid Waste Handling and Disposal  
 250.1970 Plumbing  
 250.1980 Fire and Safety

## SUBPART Q: CHRONIC DISEASE HOSPITALS

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Section  
250.2010  
250.2020Definition  
Requirements

## SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section  
250.2110  
250.2120  
250.2130  
250.2140Service Requirements  
Personnel Required  
Facilities for Services  
Pharmacy and Therapeutics Committee

## SUBPART S: PSYCHIATRIC SERVICES

Section  
250.2210  
250.2220  
250.2230Applicability of other Parts of these Regulations  
Establishment of a Psychiatric Service  
The Medical Staff

## 250.2240

Nursing Service

## 250.2250

Allied Health Personnel

## 250.2260

Staff and Personnel Development and Training

## 250.2270

Admission, Transfer and Discharge Procedures

## 250.2280

Specialized Medical Record Requirements for Psychiatric Hospitals and

## 250.2290

Providing Psychiatric Care in General Hospitals

## 250.2300

Diagnostic, Treatment and Physical Facilities and Services

## SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

## Section

## 250.2410

Applicability of these Standards

## 250.2420

Submission of Plans for New Construction, Alterations or Additions

## 250.2430

Preparation of Drawings and Specifications -- Submission

## 250.2440

Requirements

## 250.2450

General Hospital Standards

## 250.2460

Finishes

## 250.2470

Structural

## 250.2480

Mechanical

## 250.2490

Plumbing and Other Piping Systems

## 250.2500

Electrical Requirements

## SUBPART V: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

## Section

## 250.2610

Applicability of these Standards

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## 250.2620

Codes and Standards

## 250.2630

Existing General Hospital Standards

## 250.2640

Details

## 250.2650

Finishes

## 250.2660

Mechanical

## 250.2670

Plumbing and Other Piping Systems

## 250.2680

Electrical Requirements

## Section

## 250.2710

Special Care and/or Special Service Units

## 250.2720

Day Care for Mildly Ill Children

SUBPART V: SPECIAL CARE AND SPECIAL SERVICE UNITS  
SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

## Section

## 250.2810

Applicability of Other Parts of These Requirements

## 250.2820

Establishment of an Alcoholism and Intoxication Treatment Service

## 250.2830

Classification and Definitions of Service and Programs

## 250.2840

Classification Requirements for all Hospital Alcoholism Program

## 250.2850

The Medical and Professional Staff

## 250.2860

Medical Records

## 250.2870

Referral

## 250.2880

Client Legal and Human Rights

## ILLUSTRATION A

Seismic Zone Map

## APPENDIX A

Codes and Standards (Repealed)

## EXHIBIT A

Codes (Repealed)

## EXHIBIT B

Standards (Repealed)

## EXHIBIT C

Addresses of Sources (Repealed)

## TABLE A

Measurements Essential for Level I, II, III Hospitals

## TABLE B

Sound Transmission Classifications for General Hospitals

## TABLE C

Plumbing and Ventilation and Air Conditioning Systems in General Hospitals (Repealed)

## TABLE D

General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)

## TABLE E

Piping Locations for Oxygen, Vacuum and Medical Compressed Air

## TABLE F

General Pressure Relationships and Ventilation of Certain Hospital Areas

## TABLE G

Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of



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- when necessary, prompt emergency care can be initiated.
- 2) The services of the postoperative recovery room may be utilized for postpartum if the delivery room or place of delivery is in close proximity to the postoperative recovery room. Only clean (non-infected or non-infectious) postpartum patients may be admitted to the postoperative recovery room and may after appropriate observation be returned to the maternity department.
- b) Personnel
- 1) Physician shall be responsible for the conduct of the recovery room, for the training of recovery room personnel, and for the establishment of admission and discharge policies and procedures.
  - 2) Nurse
    - A) A registered nurse who has education and experience in postoperative recovery room care shall supervise all personnel performing nursing service functions.
    - B) A registered nurse shall be in attendance at all times when patients are in the recovery room.
  - 3) There shall be sufficient nursing personnel to provide the specialized care required for the post surgical patient. It is recommended that a ratio of one nursing personnel to three patients be maintained at all times.
  - 4) Nursing personnel shall be assigned permanently to the postoperative recovery room when patients are present.
  - 5) Practices for operation of postoperative recovery room
    - 1) Only clean surgical cases shall be admitted to the postoperative recovery room.
    - 2) Cases shall be returned to the isolation room or a private room. When a separate isolation facility is within or adjacent to the postoperative recovery room, contaminated cases may be admitted to it.
    - 3) A member of the medical staff shall provide initial orders for the care of each patient upon admission.
    - 4) A member of the medical staff shall be responsible for the patient's discharge from the recovery room.
    - 5) Anesthetized patients shall be constantly attended. Side rails shall be attached to movable carts and beds and raised above mattress level when occupied by anesthetized patients. Cribs shall be provided for the anesthetized or post surgical child.
    - 6) Written policies and procedures, which are reviewed regularly and revised as necessary, shall be established, continuing in-service education program shall be provided for all personnel assigned to the recovery room.
    - 8) Personnel with communicable diseases shall be excluded from the recovery room.
    - 9) No visitors shall be permitted in the postoperative recovery room, except in the case where a hospital has adopted a policy

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- approved through the Governing Board, that allows a parent or guardian, or other individual selected by a child's parent or guardian, of a child 12 years of age or younger to be present with the child in recovering from a surgical procedure. Before allowing individuals to be present in the recovery area with their child, the hospital shall have a policy in place that includes at least the following:
- A) Written consent of both the parent, guardian or other individual and the physician performing the surgery.
  - B) Notation in the patient's medical record of the presence of additional persons in the postoperative recovery room during recovery of the child from a surgical procedure.
  - C) Application of safeguards against the introduction of infection or other hazards to the parent, guardian or other individual who is present in the recovery room. Such safeguards prior to the procedures being performed, this shall include, at minimum, specifics regarding the procedure and recovery, what can be expected, and basic infection control practices expected of the person.
  - D) Provision of at least one additional staff person in the recovery room assigned to oversee, supervise and assist the parent, guardian or other designated individual for the period of time the parent, guardian or designated individual is present.
  - E) Provision of safeguards to ensure the privacy of other patients who may be recovering from surgical procedures, which may include separate rooms or some other type of separation of recovered children who would have a parent or guardian present. Safeguards shall also include the attention of anesthetized patients by recovery room staff, and
  - F) If at any point during the recovery of the minor patient it is determined by the recovery room personnel that the parent, guardian or other individual poses a threat to the safe recovery of the patient, he or she may remove the parent, guardian or other individual to leave the recovery room.
  - G) Drugs, supplies, equipment and equipment equipment accessible in the unit for postoperative care including emergencies. These shall include cardiac-respiratory resuscitation materials.
  - H) Accommodations and facilities for recovery room accommodations and rooms for post-anesthesia recovery of surgical and obstetrical patients shall be provided and shall contain a drug distribution station, handwashing facilities, charting facilities, clinical sink with bedpan flushing device, and storage space for supplies and equipment. Additional recovery space(s) may be necessary to

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accommodate surgical outpatients. For more detailed information see Subpart T of this Part these requirements.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART L: RECORDS AND REPORTS

## Section 250.1520 Reports

- a) Each hospital shall submit reports containing such pertinent data as may reasonably be required by the Department.
- b) In the reporting of Communicable Diseases cases the hospital shall include the name of the patient, the name of the hospital, and the name of the Communicable Diseases Code as issued by the Department.
- c) See Subpart O, Section 250.1830 and Section 250.1840 of this Part, regarding reports pertaining to mothers and infants, and regarding children to be discharged to a person other than a natural parent.
- d) See Subpart O, Section 250.1830 of this Part, regarding birth, stillbirth, and death reports.
- e) The death of a pregnant woman or the death of a woman within 90 days following the termination of a pregnancy shall be reported to the Department as required in Section 250.1830(1)(2) of this Part. This is required regardless of the type of hospital or the reason for the patient's admission.
- f) Any evidence or occurrence in a hospital that could be considered a catastrophe or creates an immediate jeopardy and/or dangerous threat and that requires the transfer of patients to other parts of the facility or other facilities, including but not limited to fire, flood, or power failure, shall be reported to the Department within two working days after its occurrence.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

## Section 250.2140 Pharmacy and Therapeutics Committee

- a) In accordance with the bylaws, rules and regulations of the medical staff, an interdisciplinary committee acceptable to the Board shall be appointed to assure the responsibility for the functions of the service.
- b) The voting members of this committee shall include the registered pharmacist directing the services, members of the medical staff administering end-nursing. The committee shall meet not less than quarterly and record minutes of their meetings, which shall reflect their activities.

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c) The functions of the committee shall include but not be limited to the following:

- 1) assist in the formulation of rules and regulations relating to the selection, evaluation, distribution, and administration of drugs and medicines in the hospital;
- 2) to establish control and reporting procedures for the use of investigational (experimental, trial use) drugs and medicines;
- 3) to promote educational programs on drugs and drug therapy for the medical and nursing staffs and other appropriate personnel;
- 4) to develop and update the Service Policy and Procedure Manual, the Hospital Formulary or Drug List;
- 5) to review and act on recommendations, drug usage reports, medication error or incident reports, storage, distribution and administration of drugs and medicines;
- 6) to develop policies and procedures (which shall be approved by the Medical Staff and Board) to provide for the administration of identified drugs and medicines by qualified professional persons who are authorized by law to administer such drugs and medicines in the course of practicing their professions; and
- 7) the Pharmacy and Therapeutics Committee shall establish the guidelines for the education, in-service training and supervision of all personnel administering drugs and medications.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs
- 2) Code Citation: 77 Ill. Adm. Code 510
- 3) Section Numbers: Proposed Action:  
510.130 Amendments  
510-Appendix C Amendments
- 4) Statutory Authority: Section 11-501.2 of the Illinois Vehicle Code [625 ICS 5/11-501.2]

5) A Complete Description of the Subjects and Issues Involved: The rules in Part 510 set forth the Department's standards for testing of breath, blood and urine for alcohol and other drugs. The rules were last amended in response to P.A. 90-0043 (effective July 2, 1997), which amended the Criminal Code of 1961 and the Illinois Vehicle Code to lower the concentration level at which a person is presumed to be under the influence of alcohol from 0.10 to 0.08. Section 510.310 establishes requirements for preliminary breath screening test units. The rule is being amended to delete requirements for pass/fail units, which use a red light to indicate an alcohol level of .10 or higher. These units will no longer be accepted by the Department. Requirements for digital units are clarified. Section 510-Appendix C is being amended to delete reference to pass/fail units and units no longer approved for use.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Renewal Date? No
- 8) Does this Rulemaking Contain Any Incorporations by Reference? No
- 9) Are there any Other Proposed Amendments Pending on this Part? No
- 10) Statement of Stakeholder Objectives: This rulemaking will require police agencies that use pass/fail preliminary breath testing equipment to stop using it for DUI enforcement activities and/or to replace it with digital read equipment.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these

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rules by writing within 45 days after this issue of the *Illinois Register* to:

Ms. Gail M. Devito  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
(217/782-2043)  
(E-mail: rules@idph.state.il.us)

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Local law enforcement agencies
- B) Regulatory, Bookkeeping or Other Procedures Required for Compliance: None
- C) Types of Professional Skills Necessary for Compliance: Ability to operate breath testing equipment

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on a regulatory agenda because the need was not apparent when the regulatory agenda was prepared.

The Proposed Amendments are identical to Emergency Amendments that appear in this issue of the *Illinois Register* on page 13281.

## ILLINOIS RACING BOARD

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- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Numbers:  
603.50 Proposed Action:  
603.120 Amendment  
603.120 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: The amendment to Section 603.50 moves the provision for prima facie evidence to the new Section 603.55. The amendment to Section 603.120 removes unnecessary language.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? Yes

Section Number      Proposed Action      Illinois Register Citation  
603.180      New Section      21 Ill. Reg. 12091 September 5, 1997

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312) 814-5070.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rule was not included in the 2000 Regulatory Agenda because: This rulemaking was not anticipated by the Board and therefore did not appear in a regulatory agenda.

The full text of the proposed amendment begins on the next page:

## ILLINOIS RACING BOARD

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## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## CHAPTER 11: ILLINOIS RACING BOARD

## SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603  
MEDICATION

## Section

- 603.10 Pre-Race Saliva Tests
- 603.20 Racing Soundness Exam
- 603.30 Foreign Substances and Pharmaceutical Aids Banned
- 603.40 Trainer Responsibility
- 603.50 Prima Facie Evidence
- 603.55 Permitted Use of Foreign Substances and Threshold Levels
- 603.60 Puroseamide
- 603.70 Needles, Syringes and Injectables
- 603.80 Drugs, Chemicals and Prescription Items
- 603.90 Detention Barn
- 603.100 Test Samples
- 603.110 Referee Samples
- 603.120 Laboratory Findings and Reports
- 603.130 Distribution of Purses and Retention of Samples
- 603.140 Post Mortems
- 603.150 Penalties
- 603.160 Veterinarian's Records
- 603.170

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

REG. ADOP: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 603.50 Trainer Responsibility

- a) Every trainer has the duty to guard or cause to be guarded each horse trained by him/her in such a manner as to prevent any person, including his/her veterinarian, from administering to such horse any substance which is prohibited by the rules of the Board.
- b) Every trainer has the duty to be familiar with the medication rules of the Board, and reasonably familiar with the foreign substances he/she administers or directs his/her employees to administer, and which are administered by such trainer's veterinarian.
- c) Every trainer has the duty to have each horse trained by him in its assigned security stall in accordance with 11 Ill. Adm. Code 220.
- d) A determination by the laboratory of the presence of a foreign substance in a pre-race or post-race sample shall constitute prima

## ILLINOIS RACING BOARD

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## PRIMA FACIE EVIDENCE

## PRIMA FACIE EVIDENCE

## Section 603.55 Prima Facie Evidence

A determination by the laboratory of the presence of a foreign substance in a test sample shall constitute prima facie evidence that the trainer has violated Section 603.50(c) or has failed in the duties specified in this Part.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 603.120 Referee Samples

- a) For each horse tested, one portion of the test sample (hereinafter referred to as the "referee sample") shall be preserved by the laboratory. The referee sample shall be available for testing at the request of the owner, trainer or other person charged with a violation of these rules. The referee sample may also be tested by the Board laboratory, with the consent of the owner of the horse from whom the sample was taken, if the Illinois Racing Board requests the referee sample for testing and the owner or trainer refuses to consent to the preservation of the Board shall deem such refusal by the owner as grounds for revoking his or her occupation license.
- b) If the owner, trainer or other person charged with a violation of these rules desires to send the referee sample to another laboratory for testing, the Board shall bear the cost of preparing the samples for shipment, but the cost of such shipment and of such testing at another laboratory shall be borne by the person requesting the additional tests.
- c) Whenever a referee sample is opened, a portion of that test sample shall be preserved by the Board laboratory in case further testing is requested.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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- 1) **Heading of the Part:** Cancellation, Revocation or Suspension of Licenses or Permits
- 2) **Code Citation:** 92 Ill. Adm. Code 1040
- 3) **Section Numbers:** Proposed Action  
1040.33 New Section
- 4) **Statutory Authority:** Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Section 6-100 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-100].
- 5) **A Complete Description of the Subjects and Issues Involved:** This rulemaking is being proposed to incorporate recently enacted legislation concerning persons with disabilities license plates or parking decals or devices (P.A. 90-106).
- 6) **Will this proposed rulemaking replace an emergency rule currently in effect?** No
- 7) **Does this rulemaking contain an automatic repeal date?** No
- 8) **Does this proposed rulemaking contain incorporations by reference?** No
- 9) **Are there any other amendments pending on this part?** Yes

Section Number	Proposed Action	Illinois Register Citation
1040.25	Amendment	21 Ill. Reg. 13100
1040.29	New Section	21 Ill. Reg. 13100
1040.36	New Section	21 Ill. Reg. 13100
1040.37	New Section	21 Ill. Reg. 13100
1040.38	Amendment	21 Ill. Reg. 13100
1040.40	Amendment	21 Ill. Reg. 13100
1040.41	Amendment	21 Ill. Reg. 13100
1040.42	New Section	21 Ill. Reg. 13100
1040.50	Amendment	21 Ill. Reg. 13100

- 10) **Statement of Statewide Policy Objective:** This rulemaking will have no effect on units of local government.

- 11) **Time, Place and manner in which interested persons may comment on this proposed rulemaking:** The Secretary of State will fully consider all comments received within 45 days after the date this notice is published. All comments must be in writing and should be sent to:

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Mark A. Novak  
Assistant Counsel to the Secretary  
Office of General Counsel  
Springfield, IL 62723  
217/782-5356

- 12) **Initial Regulatory Flexibility Analysis:** After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.
- 13) **Regulatory Agenda on which this rulemaking was summarized:** July 1997
- The full text of the proposed rule begins on the next page.

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATECANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS  
PART 1040

- Section  
1040.31 Court to Forward Licenses and Reports of Convictions  
1040.20 Illinois Offense Table  
1040.25 Suspension or Revocation for Driving Without a Valid Driver's License  
1040.30 3 or More Traffic Offenses Committed Within 12 Months  
1040.31 Operating A Motor Vehicle During a Period of Suspension or Revocation  
1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently  
1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device  
1040.35 Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction  
1040.38 Commission of a Traffic Offense in Another State  
1040.40 Revocation or Cancellation of License  
1040.41 Suspension of Licenses for Curfew Violations  
1040.42 Fleeing and Eluding  
1040.43 Illegal Transportation  
1040.46 Fatal Accident and Personal Injury Suspensions or Revocations  
1040.48 Vehicle Emission Suspensions  
1040.50 Suspension or Revocation of a License of Commercial Vehicle Driver  
1040.55 Suspension or Revocation for Driver's License Classification Violations  
1040.60 Release of Information Regarding a Disposition of Court Supervision  
1040.65 Offenses Occurring on Military Bases  
1040.66 Invalidity of a Restricted Driving Permit  
1040.70 National Driver Register  
1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card  
1040.100 Recissions  
1040.101 Reinstatement Fees  
1040.102 Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Chapter 6, Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ICS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ICS 5/2-104(b)].

SOURCE: Filed September 22, 1977; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at

- 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 1925, effective September 25, 1984; amended at 8 Ill. Reg. 2385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 21 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 12, 1988; amended at 12 Ill. Reg. 15651, effective September 15, 1988; amended at 12 Ill. Reg. 16153, Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 13 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8312, effective May 27, 1993; amended at 17 Ill. Reg. 3026, effective June 2, 1993; amended at 17 Ill. Reg. 7872, effective July 1, 1993; amended at 18 Ill. Reg. 11644, effective May 19, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device

a) For purposes of this Section, the following definitions shall apply:

"Authorized holder" - an individual issued a person-with-disabilities license plate under Section 3-616 of the Illinois Vehicle Code or an individual issued a person-with-disabilities marking decal or device under Section 11-1301.1 of the Illinois Vehicle Code [625 ICS 5/3-616 and 11-1301.1].

"Department" - Driver Services Department within the Office of the Secretary of State.

"False information" - any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other information

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required on the application for a person-with- disabilities license plate or parking permit or device that falsifies the content of the application.

"Fictitious person-with-disabilities license plate or parking decal or device" - any person-with-disabilities license plate or parking decal or device that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application.

"Fraudulent person-with-disabilities license plate or parking decal or device" - any person-with-disabilities license plate or parking decal or device that purports to be an authorized person-with-disabilities license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government.

"Person-with-disabilities license plate or parking decal or device-making implement" - any implement specially designed or primarily used in the manufacture, assembly or authentication of a person-with-disabilities license plate or parking decal or device issued by the Secretary of State or a unit of local government.

"Unlawfully altered person-with-disabilities license plate or parking permit or device" - any person-with-disabilities license plate or parking permit or device issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device.

- b) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that such person has committed one or more of the following offenses listed in Section 6-206 of the Illinois Vehicle Code [625 ILCS 6-206]:
- 1) If such person has knowingly possessed any fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(1), the Illinois Vehicle Code [625 ILCS 11-1301.5(b)(1)], the Department shall take the following action pursuant to Section 6-206(a)(35) of the Illinois Vehicle Code [625 ILCS 6-206(a)(35)]:

## ACTION TABLE

1st Offense	1 month Suspension
2nd Offense	6 months Suspension

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## 3rd or Subsequent Offense

## Revocation; or

- 2) If such person has knowingly issued or assisted in the issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(2) of the Illinois Vehicle Code [625 ILCS 11-1301.5(b)(2)], the Department shall take the following action pursuant to Section 6-206(a)(35) of the Illinois Vehicle Code:

## ACTION TABLE

1st Offense	1 month Suspension
2nd Offense	6 months Suspension
3rd or Subsequent Offense	Revocation; or

- 3) If such person has knowingly altered any person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(3) of the Illinois Vehicle Code [625 ILCS 11-1301.5(b)(3)], the Department shall take the following action pursuant to Section 6-206(a)(35) of the Illinois Vehicle Code:

## ACTION TABLE

1st Offense	1 month Suspension
2nd Offense	6 months Suspension
3rd or Subsequent Offense	Revocation; or

- 4) If such person manufactures, possesses, transfers, or provides any documentation used in the application process whether real or fictitious for the purpose of obtaining a fictitious person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(4) of the Illinois Vehicle Code [625 ILCS 11-1301.5(b)(4)], the Department shall take the following action pursuant to Section 6-206(a)(35) of the Illinois Vehicle Code:

## ACTION TABLE

1st Offense	1 month Suspension
2nd Offense	6 months Suspension

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

## 3rd or Subsequent Offense

Revocation: or

- 5) If such person knowingly provides any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(3) of the Illinois Vehicle Code, the Department shall take the following action pursuant to Section 6-206(a)(35) of the Illinois Vehicle Code:

## ACTION TABLE

1st Offense

1 month Suspension

2nd Offense

6 months Suspension

## 3rd or Subsequent Offense

Revocation: or

- 6) If such person knowingly transfers a person-with-disabilities license plate or parking decal or device for the purpose of exercising disabilities to an authorized person, or transfers a person-with-disabilities license plate or parking decal or device under the Illinois Vehicle Code in the absence of the authorized holder in violation of Section 11-1301.5(b)(6) of the Illinois Vehicle Code, [625 ILCS 5/11-1301.5(b)(6)], the Department shall take the following action pursuant to Section 6-206(a)(35) of the Illinois Vehicle Code:

## ACTION TABLE

1st Offense

1 month Suspension

2nd Offense

6 months Suspension

## 3rd or Subsequent Offense

Revocation: or

- 7) If such person has knowingly possessed any fraudulent person-with-disabilities license plate or parking decal in violation of Section 11-1301.6(b)(1) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(1)], the Department shall take the following action pursuant to Section 6-206(a)(36) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(36)]:

## ACTION TABLE

1st Offense

1 month Suspension

2nd Offense

6 months Suspension

## SECRETARY OF STATE

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## 3rd or Subsequent Offense

Revocation: or

- 8) If such person has knowingly possessed without authority any person-with-disabilities license plate or parking decal or device-making implement in violation of Section 11-1306.6(b)(2) of the Illinois Vehicle Code [625 ILCS 5/11-1306.6(b)(2)], the Department shall take the following action pursuant to Section 6-206(a)(36) of the Illinois Vehicle Code:

## ACTION TABLE

1st Offense

12 months Suspension

2nd or Subsequent Offense

Revocation: or

- 9) If such person knowingly duplicates, manufactures, sells or transfers any fraudulent or stolen person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(3) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(3)], the Department shall take the following action pursuant to Section 6-206(a)(36) of the Illinois Vehicle Code:

## ACTION TABLE

1st Offense

12 months Suspension

2nd or Subsequent Offense

Revocation: or

- 10) If such person has knowingly assisted in the duplication, manufacture, sales or transfer of any fraudulent or stolen person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(4) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(4)], the Department shall take the following action pursuant to Section 6-206(a)(36) of the Illinois Vehicle Code:

## ACTION TABLE

1st Offense

12 months Suspension

2nd or Subsequent Offense

Revocation: or

- 11) If such person has advertised or distributes a fraudulent person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(5) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(5)], the Department shall take the following action pursuant to Section 6-206(a)(36) of the Illinois

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Vehicle Code:

## ACTION TABLE

1st Offense

12 months Suspension

2nd or Subsequent Offense

Revocation.

- c) The sources of acceptable proof of the offenses described in subsection (b) above are court documents, Department of Vehicle Services applications, Driver Services facility applications, government entity documents, and law enforcement correspondence/ reports.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Comptroller Merit Employment Code

- 2) Code Citation: 80 Ill. Adm. Code 500

- 3) Section Numbers: Adopted Action:

500.210 Amended

500.225 New

500.250 Amended

500.280 Amended

500.320 Amended

500.330 Amended

500.340 Amended

- 4) Statutory Authority: Comptroller Merit Employment Code [15 ILCS 410]

- 5) Effective Date of Amendments: September 15, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: September 15, 1997

- 9) Notice of Proposal Published in Illinois Register: March 7, 1997, 21 Ill. Reg. 2869

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference between proposal and final version: None

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these proposed amendments replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of These Adopted Amendments: The amendments authorize and limit Comptroller use of intermittent employees.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Keith J. Flanagan  
Office of the Comptroller  
201 State Capitol Building  
Springfield, IL 62706-0001

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217/782-5128

The full text of the adopted rules begins on the next page.OFFICE OF THE COMPTROLLER  
NOTICE OF ADOPTED AMENDMENTTITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER III: COMPTROLLER

## PART 500

## PERSONNEL RULES

## SUBPART A: DEFINITIONS

Section  
500.10 Definitions

## SUBPART B: CLASSIFICATION AND PAY

Section  
500.110 Position Classification  
500.120 Pay Plan

## SUBPART C: MERIT AND FITNESS

Section  
500.130 Application and Examination  
500.140 Transfer  
500.150 Promotions  
500.160 Intermittents  
500.170 Continuous Service  
500.180 Performance Review  
500.190 Probationary Status  
500.200 Promotions  
500.210 Employee Transfer  
500.220 Demotion  
500.230 Layoffs and Reemployment  
500.240 Voluntary Reduction  
500.250 Resignation and Reinstatement  
500.260 Discipline, Discharge and Demotion  
500.270

## SUBPART D: CONDITIONS OF EMPLOYMENT

Section  
500.310 Grievance Procedure  
500.320 Leave of Absence  
500.330 Holidays  
500.340 Vacation  
500.350 Work Schedules  
500.360 Overtime

## SUBPART E: GENERAL PROVISIONS

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Section	
500.410	Public Records
500.415	Time and Manner of Inspection
500.420	Employer Roster Files
500.425	Confidential Records
500.430	Notification of Absence
500.435	Notification of Absence
500.440	Review of Attendance Records
500.445	Undated Forms
500.450	Incomplete Forms
500.455	Evaluation Forms
500.460	Portability of Certain Benefits
500.470	Effective Date of Rules
500.475	Savings Clause
500.480	Interpretation and Application of Rules
500.485	Policy
500.490	Retrospectivity

AUTHORITY: Implementing and authorized by the Comptroller Merit Employment Code (15 ILCS 410)

SOURCE: Emergency rule adopted at 3 Ill. Reg. 18, P. 228, effective April 25, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 37, P. 601, effective September 6, 1980; amended at 5 Ill. Reg. 890, effective January 9, 1981; codified at 7 Ill. Reg. 1969; amended at 17 Ill. Reg. 1136, effective December 1, 1993; amended at 21 Ill. Reg. 1020, effective \_\_\_\_\_.

SUPPORT C: MERIT AND FITNESS

Section 500.210 Application and Examination

a) Examination:

- 1) The Director shall conduct examinations to test the relative fitness of applicants for positions subject to Jurisdiction B of the Code. Examinations may include an evaluation of such factors as education, experience, training, capacity, knowledge, manual dexterity, character, and physical fitness. Tests shall be job related and may be written, oral, physical demonstration of skill, an evaluation of physical or manual fitness, or an evaluation of education and experiential knowledge. The minimum consistency of examination requirements shall be as follows:
  - 1) shall be specified in the examination announcement.
  - 2) Applicants shall not be questioned with respect to non-merit matters except as is necessary to meet the requirements of law or State policy.
  - 3) In lieu of announcing or conducting examinations, the Director

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- may accept the results of competitive examinations conducted by any established merit system subject to the Director's determination that such examinations are comparable in difficulty to those conducted by the Department of Personnel for similar positions.
- b) Examinations -- Time and Place: Examinations shall be held at such times and places as are necessary to meet the requirements of the Office of the Comptroller, provide economical administration, and be generally convenient for applicants. The Director may cancel or postpone examinations at any time.
  - c) Veterans' Preference: Qualified persons who have passed an examination and who have been members of the armed forces of the United States in times of hostilities with a foreign country (as set out in the Comptroller Merit Employment Code) or while citizens of the United States were members of the armed forces of allies of the United States shall be given preference in such examinations. Such persons shall be granted preference in entrance examinations as follows:
    - 1) Five points shall be added to the entrance grade for such nondisabled veteran eligibles.
    - 2) Ten points shall be added to the entrance examination grade for such veteran eligibles currently receiving compensation from the United States Veterans' Administration or from such allied country for war service-connected disabilities.
    - 3) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the nonveteran eligibles in the same category.
  - d) Public Notice of Examinations: The Director shall give public notice of examinations to be conducted in the event of such tests except as otherwise noted. Announcements shall be posted in a conspicuous place in each office of the agency and Department of Personnel. Announcements shall specify the day and manner in which an application for examination shall be made.
  - e) Notice to Eligibles: In the event a change in the classification or testing standards or other change requires the elimination of an eligible list for a class, or of certain previously qualified eligibles from such a list, the Director shall notify each person thus losing eligibility of such new or revised requirements as soon as practicable, and when the revised examination is repeated, shall again notify each person in order that each may be given an opportunity to retest.
  - f) Test Rating Notice and Review: The rating of each test shall be completed and the resulting list established as quickly as reasonably practicable. Each person competing in any test shall be given written notice of his/her final earned rating or of his/her failure to attain a place on the list.
  - g) Retaking or Regrading Examinations: The retaking or regrading of examinations will be permitted only in accordance with the following provisions:

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## 1) Retaking examinations --

A) No applicant shall be permitted to retake a test or tests included within an examination until thirty (30) days have elapsed. This limitation may, however, be waived when in the judgment of the Director the best interests of the State require it.

B) No applicant may be permitted to retake a test included within an examination more than twelve(12) months after the original date of examination.

C) For purposes of ranking on eligible lists, the grades of applicants who retake a test or tests included within an examination shall be computed by using the latest passing scores attained by such applicants.

## 2) Regarding examinations --

A) At the request of an applicant who has completed an open competitive examination, the Director may regrade the examination taken by that applicant for placement on the eligible list for another class when the qualifications and examination standards for that new class are similar to those of the class for which the applicant was originally placed.

B) When a candidate makes an application for a subsequent examination for the same or a different title having one or more identical tests which had been taken within the preceding twelve(12) months, the Director may utilize the test or tests previously taken in lieu of requiring the candidate to repeat the applicable test or tests included within the examinations.

h) Equal Opportunity: Applicants or employees shall not be discriminated against on the basis of race, religion, sex, marital status, national origin, political affiliation, or membership in, or activity in or on behalf of employee labor organizations, or any other non-merit factor.

Applicants capable of performing the duties in the class shall not be placed against a specific physical or mental condition or Code of Racial and Ethnic Relations Material. Any applicant or unauthorised employee of the Office of the Comptroller removing examination materials from the premises at which examinations are being administered or stored in any manner whatsoever, shall be subject to prosecution.

j) Admission to Examinations: Admission to competitive examinations shall be open to all persons who meet such requirements as have been established by the Director and may be lawfully appointed to the position. The Director may reject the application of any person for admission to a test or decline to test or certify for employment any applicant who:

- 1) Subsequent to participating in the examination is found to lack the qualifications prescribed for admission to the test as announced by the public notice.
- 2) Is physically unfit to perform effectively the duties of the

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## Class:

3) Has used, or attempted to use, bribery or political influence to secure an advantage in testing or appointment;

4) Used false or misleading information or materials fact or has practiced deception in obtaining the examination or in the examination;

5) Does not meet the United States Department of Justice Immigration and Naturalization Service regulations for permanent employment;

6) Is found guilty of a violation of this Part or any of the provisions of the Merit Employment Code relating to participation in examinations.

k) Residency Requirement: Applicants who are not residents of the State of Illinois may be appointed only upon the waiver of residency requirements by the Director and only when there are fewer than three qualified residents of Illinois available.

l) Employment of Family Members: Family member status shall constitute neither a deterrent nor an advantage to employment, provided that the individual fulfills all objective job-related qualifications, except for reasons of business necessity as established by the Office of the Comptroller.

m) Linguistic Requirements: The Director may establish linguistic options when he deems such options to be appropriate.

n) Eligible Lists: The Department shall establish and maintain lists of qualified applicants for positions covered by Jurisdiction B of the Code. Such applicants shall have successfully qualified through competitive examinations as provided in Section 500.210(a). The names of successful applicants shall be arranged in the order of their relative excellence whether by numerical grade or category grouping. The length of time an eligible's name may appear on the list shall be specified in the examination announcement. A separate eligible list will be maintained for interim applicants.

o) Responsibilities of Eligibles: It shall be the responsibility of each eligible to inform the Department in writing of any changes in address or availability to report for employment.

p) Geographic Preference: Applicants for employment shall specify one or more of the locations or areas in which they will accept employment from those choices made available at the time of the examination or which may be made available at a later date.

q) Removal of Names From Eligible Lists:

1) The Director shall remove names from an eligible list for any of the following reasons:

- A) Appointment of an eligible from the eligible list;
- B) Death of an eligible;
- C) Notice by postal authorities that they are unable to locate the eligible at his/her last known address;
- D) Attempt by an eligible to practice any deception or fraud in connection with an examination;
- E) Evidence that the eligible lacks any of the qualifications required for the class for which he/she was erroneously

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- declared eligible;
- F) Request of eligible to remove name.
- 2) The Director may remove names from an eligible list for any of the following reasons. Eligibles shall be notified of such removal.
- A) Failure of an eligible, upon referral, to reply or to report for interview;
  - B) After accepting employment, failure without good cause to report to work within the time prescribed by the employing department or the Department of Personnel;
  - C) Failure of an eligible, upon request, to furnish written evidence of availability for employment;
  - D) Specifying conditions of employment by an eligible which are not associated with the class for which the eligible is employed;
  - E) Refusal of an eligible to accept two separate offers of employment;
  - F) After an eligible has been passed over two times after referral to the same department for the appointment of an eligible lower on the eligible list, and the department head concerned requests removal of the eligible from the list for good and sufficient cause;
  - G) Poor work history of eligible;
  - H) Former experience and history of eligible not compatible with duties and responsibilities of the class;
  - I) Physical inability of eligible to perform the duties and responsibilities of the class;
  - J) Absence of eligible from the class for more than one year;
  - K) When a change in either classification or testing standards or other change requires such action;
  - L) Conviction of an eligible of a felony;
  - M) Addition of an eligible to narcotics or to alcohol.
- F) Replacement of Names on Eligible List: The Director may restore a name to the same eligible list when such action is in the best interest of the Office of the Comptroller.

- Names of veterans returning from active military service of not more than four (4) years shall be restored to an eligible list for the same class if the request is made by the veteran within ninety days after discharge from military service or notification of discharge to the Department of Personnel. The Department of Personnel must provide evidence of satisfactory completion of training and service when making the request and be qualified to perform the current duties of the class.
- Names of employees who are laid off during their probationary period shall be returned to the eligible list for the class in which the layoff occurred.
- Names so restored shall be at the grade in effect when the removal from the list was made and may not remain on the list after that period of time which is equal to the unexpired time

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- remaining of the original eligibility.
- s) Appointment from within an eligible list to an appointment to a position is made from an eligible list resulting from an open competitive examination, such appointment shall be made of the highest ranking among those who are available within the three highest grades, if such list is in order of examination grade, or from the highest ranking group, if such list is in category grouping, except as provided for under subsection Section-9999999 (v) of this Section.
- t) Appointments -- Positions Subject to Jurisdiction B: Positions which are covered by Jurisdiction B of the Code shall be filled in one of the following ways:
- 1) By appointment of an applicant standing among the three highest on an eligible list which is numerically rated;
  - 2) By appointment of an applicant from the highest ranking group of eligibles from an eligible list;
  - 3) By persons employed as of by-present-employees-t August 23, 1978, who have passed examinations in accordance with the Personnel Code under the Governor of Illinois and who having passed the probationary period shall be continued in their positions without further examination;
  - 4) By persons employed as of by-present-employees-t August 23, 1978, who having been promoted in accordance with the Rules under the Personnel Code under the Governor of the State of Illinois shall be continued in their positions without further examination;
  - 5) By persons employed as of by-present-employees-t August 23, 1978, who have passed examinations in accordance with the Personnel Code under the Governor of the State of Illinois and who have not completed the probationary period shall be continued in their positions and be given credit for such probationary time toward the completion of the probationary period provided by this Part;
  - 6) By all other present employees subject to Jurisdiction B who shall be continued in their positions providing that they have passed a qualifying examination within twelve-t 12 months after August 23, 1978;
  - 7) By persons employed as of present-employees-t August 23, 1978, or past employees who have rights or privileges arising under the Personnel Code [20 ILCS 415] title--new--stat--9999--chs--9999; shall be continued in the positions under the Governor of Illinois and who shall be continued in the positions through promotion of an employee to a position to which he or she is entitled to such privileges;
  - 8) By an appointment to a position through promotion of an employee who is qualified pursuant to Section 500.260(a);
  - 9) By emergency appointment for a period not in excess of ninety-t 90 calendar days to meet emergency situations. Emergency appointments may be made without regard to eligible lists. Such appointments may not be renewed;
  - 10) By intermittent appointments from an eligible list to positions not to exceed 1200 hours per year (12 month periods), minimum of 500 hours, to meet the operation needs of a department in periods

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of increased workloads;

11) By temporary appointments to positions which are temporary or seasonal in nature as determined by the Director. Such appointments shall not exceed six (6) months out of any twelve-month period;

12) By provisional appointments to positions without competitive examination when there is no appropriate eligible list. Provisional appointments may not exceed six (6) months out of any twelve-month period;

13) By the transfer of employees from one position to another if the qualifications, responsibilities, duties, and salary range are similar;

14) By reinstatement of persons who formerly held certified status under the Civil Service Code of Illinois, the Secretary of State Merit Employment Code, or the University Civil Service System of Illinois. To be eligible for reinstatement, such persons shall have resigned while in good standing or shall have been laid off from employment within their respective merit systems;

15) By reemployment of an employee whose name appears upon a reemployment list; such reemployment may be made to positions in the same or lower salary range as to that salary range applicable to the position from which the person to be reemployed was laid off; reemployment appointments shall be of qualified employees and shall be made after consideration of seniority and performance records;

16) By the transfer of trainees into training programs approved by the Board of Civil Service. Such appointments may be made without examination of applicants; trainees do not acquire any rights under Jurisdiction B of the Code by virtue of trainee appointments;

17) By the reduction in rank or class of an employee, for cause, with the prior approval of the Director;

18) By the transfer of active, certified employees from the jurisdictions of the Personnel Code of Illinois, the Secretary of State Merit Employment Code or the University Civil Service System; persons so transferred shall retain the same status under the Code as that which they held under their previous merit employment.

u) Type of Status: The following types of appointments may be made by the Director:

1) Exempt:

A) For persons in positions not subject to Jurisdiction B. If an exempt employee's position becomes subject to Jurisdiction B by reason of extension of Jurisdiction B, pursuant to Section 10d of the Merit Employment Code [15 ILCS 410/10d], such employee shall establish eligibility for such position by passing satisfactorily a qualifying

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examination prescribed by the Director within six (6) months after the extension of Jurisdiction B to such position.

B) In all other cases, if an exempt employee's position becomes subject to Jurisdiction B, such employee shall establish eligibility for such position within six (6) months by successfully competing in the open competitive examination and receiving a probationary appointment according to applicable rules.

2) Emergency: For persons selected to meet emergency situations. Such appointments shall not exceed ninety (90) days; shall not be renewed and shall be subject to termination by the Director. Notices of selections and terminations shall be reported to the Director.

3) Temporary: For persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than six (6) months out of any twelve-month period.

4) Intermittent: For persons in positions to perform intermittent work. No positions shall be filled by intermittent appointment for more than 1200 hours out of any 12 month period, a maximum of 500 hours.

5) Provisional: For persons in positions for which there are fewer than three available eligibles on the open competitive eligible list. No positions shall be filled by provisional appointment until there are three or more eligibles on the open competitive eligible list. If a provisional employee's position is allocated to a class for which there are available eligibles, eligibility for such position shall be established within ninety (90) days through successfully competing in the open competitive examination and receiving a probationary appointment according to the applicable rules herein.

6) Probationary: For persons appointed from an eligible list. For persons receiving a promotion and for persons being reinstated. If a probationary employee's position is declared exempt from Jurisdiction B, the balance of the probationary period shall be served after which certified status shall be attained.

7) Certified: For persons having successfully completed the required probationary period and a certified employee position. If a certified employee's position is declared exempt from Jurisdiction B, certified status shall be retained in that position.

8) Trainee: For persons in positions pursuant to established trainee and apprenticeship programs.

v) Extension of Jurisdiction B:

1) Employees in positions to which Jurisdiction B is extended pursuant to Section 10d of the Merit Employment Code [15 ILCS 410/10d] shall be continued in such positions and shall attain certified status therein provided they pass a qualifying examination prescribed by the Director within six (6) months

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after such jurisdiction is extended and provided they satisfactorily complete their respective probationary periods.

2) Appropriate standards for probationary appointments shall be prepared by the Director and appointments of such employees shall be without regard to eligible lists and without regard to the provisions of the Code and this Part requiring the appointment of the person standing among the three highest on the appropriate eligible list to fill a vacancy or from the highest category ranking group if the list is by ranking instead of numerical ratings. Nothing herein shall preclude the reclassification or reallocation as provided by this Part of any position held by any such incumbent.

(Source: Amended at 21 Ill. Reg. 13294, effective \_\_\_\_\_)

## Section 500.225 Internittents

a) Internittent Positions: The Director shall, as required to fulfill the operating needs of a department, establish internittent positions to perform work seasonal in nature or to help in periods of increased workloads. Internittent positions shall not be established in place of permanent positions. Appointments shall be made to such positions in the same manner as appointments to permanent positions.

b) Positions on Internittent Employees: An internittent employee shall be employed on a temporary basis and shall not be eligible for promotion but shall otherwise be covered by the full benefits of Jurisdictions A, B and C.

1) An internittent employee shall not be used as a replacement for a permanent employee, but may substitute for an absent employee.

2) An internittent employee shall work a maximum of 1200 hours per year (12-month period), minimum of 500 hours. An effort shall be made to balance the hours worked among internittents. An internittent employee who works more than 1200 hours shall be reassigned in accordance with Section 500.110(a), (b) and (c) to a permanent full-time position. An internittent employee offered work less than the minimum of 500 hours shall be considered an internittent employee and shall be employed in accordance with the applicable rules regarding internittent status.

3) The continuous service of an internittent employee shall be computed on the basis of hours worked, each 7 hours being equivalent to one day.

4) An internittent employee shall accrue sick and vacation leave on a prorated basis, dependent upon the amount of time in pay status during a given month.

5) An internittent employee shall receive full pay for an official holiday if scheduled to work that day of the week and if he or she works the last scheduled work day before the holiday and the

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first scheduled work day after the holiday.

5) An internittent employee refusing to be scheduled three times in one calendar quarter shall be considered for discharge for failure to perform assigned duties, if given 24-hour notice of scheduling, unless proof of illness or death in the family is presented.

7) A semiannual review of the Internittent Program shall be made by the Director of Human Resources to insure compliance with this Part.

(Source: Added at 21 Ill. Reg. 13294, effective \_\_\_\_\_)

## Section 500.250 Probationary Status

a) Probationary Period:

1) A probationary period of six (6) months (910 hours for internittent employee) shall be served by:

A) an employee who enters service or commences a new period of continuous service;

B) an employee who is reinstated as provided under Section 500.290(a);

C) an employee who is appointed from an open competitive eligible list, whether or not it is considered an internittent position, and whose position is allocated upward may achieve probationary status pursuant to Section 500.220(c).

2) A probationary period of three (3) months (455 hours for internittent employee) shall be served by an employee who is demoted or promoted except a demoted probationary employee shall not be required to serve any probationary period if the employee previously held certified status in the class to which demoted. A probationary employee transferred during the probationary period shall serve that portion of the probationary period which was not completed at the time of such transfer.

3) A probationary period shall not be deemed to be continued by the same employee in the same position or other benefits accrued during such probationary period.

4) If an employee is absent from work for more than fifteen (15) calendar days during the probationary period because of leave of absence, disciplinary suspension, sick leave, work-related injury, or industrial disease, such absence shall serve to extend the probationary period by the length of the absence.

b) Certified Status: A probationary employee shall attain certified status only after successful completion of a probationary period. Notice of certification will be sent to the employee and department head by the Director promptly thereafter.

c) Status Change in Probationary Period: An employee may not be

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promoted, demoted, discharged or transferred during the probationary period without the approval of the Director.

(Source: Amended at 21 Ill. Reg. 13308, effective 1/1/80)

## Section 500.280 Layoffs and Reemployment

## a) Layoff procedure:

1) A department head may request the layoff of an employee because of lack of funds, material change in duties or organization, or lack of work, or the abolition of a position for any of these reasons. Based on class, department, or other designation, layoffs shall be within organizational units justified by operations and approved prior to the layoffs by the Director.

2) A proposed layoff is subject to the approval of the Director before becoming effective and shall include the following in the organizational unit in which the layoff is proposed:

- A list of all employees showing status and total continuous service;
- A listing of those employees to be laid off;
- A list of senior records of all employees in classes affected by layoff;
- An explanation of any layoff not in order of continuous service;
- An explanation of the organizational unit selected, reflecting department, facility, geographical, operational, and other elements deemed relevant by the department head.

## b) Order of Layoff:

1) The following order shall be observed in making layoffs:

- No certified or probationary employee may be laid off until all temporary, intermittent, emergency, provisional, and exempt employees in the same class and organizational unit are terminated;
- No certified employee may be laid off until all probationary employees in the same class and organizational unit are terminated;
- Within status groups and accordance with the layoff plan submitted under subsection (a) of this Section 500.280, consideration shall be given to performance records and continuous service as defined in Section 500.230(a).
- Effective Date of Layoff: Unless extraordinary operating conditions or events are specified in the proposed layoff plan, no layoff shall be effective until ten-107 days after the Director's approval of the layoff plan.
- Disapproval: The Director may disapprove any layoff plan which results in a disproportionate impact on affected employees within the same race, sex, or religious group.

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## e) Reemployment Lists:

1) The department shall establish and maintain a reemployment list, by class, department, county, or other designated geographical area approved by the Director before layoff. A certified employee who has been laid off shall be placed in order of length of continuous service as defined in Section 500.230(a) on a reemployment list for recall to the first available assignment to the employee in the same class, department, county, or other similar requirements and duties, department, county, or other designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list. Where circumstances warrant, at the discretion of the Director, such reemployment list may be established by related classes whose duties are substantially similar to the class from which the employee was laid off.

2) An employee whose name has been placed on the reemployment list will also be eligible for reinstatement in accordance with Section 500.290(b).

f) Employment From Reemployment List: Whenever there is any person available on a reemployment list for recall to a vacant position for the same class, or related classes where such have been established pursuant to subsection (e), the employee shall be recalled to the same position, or other designated geographical area, on a temporary, provisional, or probationary appointment shall be made to such vacancy.

## g) Removal of Names From Reemployment List:

- A laid off employee's name shall be removed from the reemployment list when:
  - The employee is recalled from layoff;
  - The employee refuses an offer of permanent reemployment;
  - The employee's name has remained on the reemployment list for twenty-four-244 months;
  - The employee has been reinstated in accordance with Section 500.290(b).
- Offers of temporary, exempt, or emergency appointment shall not be made to an employee on the reemployment list until reinstatement.
- Laid Off Probationary Employees:
  - The name of an original entrance employee who is terminated as a result of layoff before the completion of the probationary period shall be returned to eligible list with the same grade as when appointed.
  - An employee serving a probationary period subsequent to promotion from a position in which the employee was certified who is to be laid off shall be given notice, and may request a voluntary reduction pursuant to Section 500.285(a) and (c). If no voluntary reduction is effected, the employee will be laid off and the employee's name placed in seniority order as provided in Section 500.230(a) on the reemployment list for the department.

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work location, and title in which certified.

- i) Reconsideration Request paid off Certified Employee:
  - 1) Within fifteen--t 15 calendar days of receipt of notice of a certified employee's layoff and without prejudice to the right to request voluntary reduction, such employee may directly petition the Director of Personnel in writing for reconsideration of the decision approving the layoff.
  - 2) In the event a request for reconsideration is made, the Director shall designate a hearing officer to hear, review, and investigate the application of this part and the validity of the layoff. The hearing officer shall submit findings to the Director for final determination. Notice of the final decision of the Director shall be served on the employee in person or by certified mail, return receipt requested, to the employee's last address appearing in the personnel file.

(Source: Amended at 21 Ill. Reg. 13294, effective

SEP 15 1997)

Section 500.320 Leave of Absence

- a) Sick Leave: All employees, excepting those in emergency, intermittent, per diem, or temporary status whose such status is the result of accepting a non-permanent assignment in another class, shall accumulate at the rate of one (1) day for each month of service. Intermittent employees shall accrue sick leave on a month-to-month basis. Sick leave may be used for illness, disability, or injury of the employee, appointments with doctor, dentist, or other professional medical practitioner and also may be used for not more than thirty--t 30 days in one (1) calendar year in the event of serious illness, disability, injury, or death of a member of the employee's immediate family. The Department may require evidence to substantiate that such leave days were used for the purposes herein set forth.
- b) Accumulation of Sick Leave: Employees shall be allowed to carry over from year to year of continuous service any unused sick leave accumulated under this part and shall not lose any unused sick leave accumulated prior to the effective date of this part.
- c) Advancement of Sick Leave: An employee with more than two years of continuous service whose personnel records warrant it may be advanced sick leave with pay for not more than ten--t 10 working days with the written approval of the department head and the Director. Such advances will be charged against sick leave accumulated later in subsequent service. If an employee is terminated prior to repayment of advanced sick days, one day's pay for each day owed shall be retained by the agency or repaid by the employee.
- d) Leave for Personal Business:
  - 1) All employees, excepting those in emergency, per diem, or

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temporary status, shall be permitted twenty--one--t 21 hours (or the equivalent three--t 3 working days) of leave for personal business each calendar year with pay. Intermittent employees shall receive leave for personal business on a prorated basis. Such personal days may be used for occurrences as observed on religious holidays, Christmas, or other similar personal reasons but not for weather conditions used to extend a holiday or annual leave except as permitted in advance by the department head through prior written approval. Employees entitled to receive such leave who enter service during the year shall be given credit for such leave at the rate of three--and-one-half--t 3 1/2 hours (one--half (1/2) day) for each two (2) months service for the calendar year in which hired. Such personal leave may not be used in increments of less than one (1) hour at a time. Except for those emergency situations which preclude the making of prior arrangements, such days off shall be scheduled sufficiently in advance to be consistent with operating needs of the employer.

- 2) Personal leave shall not accumulate from calendar year to calendar year.
  - e) On-The-Job Injury or Industrial Disease: An employee who suffers an on-the-job injury or who contracts a service-connected disease shall be allowed full pay during the first calendar week of absence without utilization of any accumulated sick leave or other benefits. Thereafter, the employee shall be permitted to utilize accumulated sick leave. In the event such service-connected injury or illness becomes the subject of an award by the Industrial Commission, the employee shall restore to the State the dollar equivalent which duplicates payments received as sick leave days and the employee's sick leave account shall be credited with sick leave day equivalents.
  - f) Leave of Absence Without Pay: Unless otherwise provided in this Part, and with the prior approval of the Director, a department head may grant leaves of absence without pay to employees for periods not to exceed six (6) months, and such leaves may be extended by the Director's approval for additional periods of up to six (6) months with the employee's approval. Leaves of absence except as provided in subsection (e) above.
    - g) Leaves of Absence -- Special: The Director may grant special leaves of absence to employees for purposes of education, attendance at professional or union conventions, or for similar reasons wherein a benefit would accrue to the skills of the work force.
    - h) Leaves of Absence -- Special -- Salary: The Director shall determine for each special leave of absence that is approved, whether such leave shall be with or without pay, full or partial.
    - i) Maternity Absence:
      - 1) Employees shall be granted leaves of absence to cover the period of their pregnancy. The length of such leave shall not exceed six months but may be renewed pursuant to subsection (f) above.

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- A) A pregnant employee shall inform her immediate supervisor and the Department of Personnel of her condition not later than three (3) months prior to her expected date of delivery and shall present to the Department of Personnel a written statement signed by her physician stating the expected date of delivery.
- B) A pregnant employee may continue in regular employment so long as her physician, upon request by the Director, states in writing she is able to perform her normal work assignments.
- C) An employee who has been absent because of maternity leave may return to employment as soon as her physician advises the Department of Personnel in writing that she is then able to perform her normal work assignments.
- D) If the Department head or Personnel Director has reason to believe that the employee is unable to perform her duties, he/she may seek and rely upon the decision of an impartial physician chosen by agreement of the Department and the employee. If the Department head or impartial physician, the Director will select a physician who is to act as an impartial physician.
- 2) Sick leave may be used to cover periods of absence during pregnancy and convalescence thereafter.
- 3) Leave to Take Exempt Position: The Director may approve leaves of absence for certified employees who accept appointment in a position which is exempt from Jurisdiction B of the Merit Employment Code. Such leaves of absence may be for a period of one (1) year or less and may be extended for additional one (1) year periods. At the expiration thereof, an employee shall be restored to the same or similar position upon making application to the Department with continuous service including the period of such leave.
  - k) Military, Job Corps, and Peace Corps: Leaves of absence shall be allowed employees performing military service, the Peace Corps, or Job Corps. Provided in Section 500-230(d) and (f) and as may be required by law.
  - l) Leave For Annual Military Reserve Training or Special Duty: An employee who is a member of a reserve component of the Armed Services, the Illinois National Guard, or the Illinois Naval Militia shall be allowed leave with pay not to exceed one (1) full pay period annually without loss of any other accrued benefit.
  - 2) If time required on any of the types of military service covered by this Part exceeds one (1) full pay period and continues into a second year, the employee shall be granted such leave without pay. By the employee's request, the leave may be extended without pay. The employee's service to meet emergencies as proclaimed by the Governor, the employee shall be granted a leave of absence with pay. Upon receiving the sum paid for such service under the

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- Illinois Military Code, the employee shall submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original agency payroll warrant was drawn. In the event the military warrant is returned to the State Treasury, the employee shall be notified of emergency call-up, the State compensation for the employee shall be paid, and the employee shall be notified of the military pay and return to the department the amount the agency paid the employee for the period.
- 3) An employee shall provide the department with certification by the commanding officer of the employee's unit that all leave time was used for the purpose for which granted.
- m) Leave for Military Physical Examinations: Any employee drafted into military service shall be allowed up to three (3) days leave with pay to take a physical examination required by such draft. Upon request, the employee must provide the department with certification by a responsible authority that the period of leave was actually used for such purpose.
- n) Leave of Absence -- Election to Public Office: Employees who are elected to public office shall, upon request, be granted a leave of absence without pay for so long as he/she remains an elected public officer and he/she shall be returned to the same or comparable position from which he/she was on leave providing he/she so requests within thirty (30) calendar days following termination of his/her elected office.
- o) Employee Rights After Leave: When an employee returns from a leave of absence of six (6) months or less, the department shall return the employee to the same or similar position in the same class in which the employee was incumbent prior to the commencement of such leave. Except for those leaves granted under Section 500-230 (3) and (k) of this Section, the employee shall be returned to the same or similar position in the same class in which there is no vacant position available to him/her in the same class in which the employee was incumbent prior to such leave or leaves commencing, the employee may be laid off without consideration of continuous service and if laid off, the employee's name shall be placed on the reemployment list.
- p) Failure to Return: Failure to return from leave within five (5) days after the expiration date may be cause for discharge.
- q) Attendance in Court: Any permanent employee called for jury duty or subpoenaed by any legislative, judicial, or administrative tribunal, shall be allowed time away from work with pay for such purposes. Upon receiving the sum paid for jury service or witness fees, the employee shall submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original warrant was drawn. In the event the warrant is returned to the State Treasury, the employee shall be notified of emergency call-up, the State compensation for the employee shall be paid, and the employee shall be notified of the military pay and return to the department the amount the agency paid the employee for the period.
- r) Leave of Absence: Any employee called for jury duty or subpoenaed by any legislative, judicial, or administrative tribunal, shall be allowed time away from work with pay for such purposes. Upon receiving the sum paid for jury service or witness fees, the employee shall submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original warrant was drawn. In the event the warrant is returned to the State Treasury, the employee shall be notified of emergency call-up, the State compensation for the employee shall be paid, and the employee shall be notified of the military pay and return to the department the amount the agency paid the employee for the period.

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therefor.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, SEP 15 1997)

Section 300.330 Holidays

- a) Authorized Holidays: All employees shall have time off, with full salary payment, on the following holidays:

New Year's Day  
Martin Luther King Day  
Lincoln's Birthday  
Washington's Birthday  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Day

General Election Day (on which members of the House of Representatives are elected)  
and any additional days proclaimed as holidays or non-working days by the Comptroller of the State of Illinois or by the President of the United States.

- b) Holiday Observation: Where employees are scheduled and required to work on a holiday, equivalent time off will be granted within the following twelve month period at a time convenient to the employee and consistent with the requirements of the Illinois Labor Relations Act.  
c) Vacation: When a holiday falls on an employee's regularly scheduled work day during the employee's vacation period, an extra day shall be added to the employee's vacations.

- d) Eligibility for Holiday Pay: To be eligible for holiday pay, the employee shall work the employee's last scheduled work day before the holiday and first scheduled work day after the holiday unless absence on either or both of these work days is for good cause and approved by the department head. Intermittent employees are eligible for holiday pay under conditions stated in Section 300.223(b)(3).

- e) Holidays or Special Days: The Director may designate any regular or special holiday or special day off with pay to meet the unique needs of any region or area within the State. Such special time off shall not accrue to any other employee in any other region or area of the State.

(Source: SEP 15 1997, effective \_\_\_\_\_)

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Section 300.340 Vacation

- a) Eligibility: Employees, except emergency, temporary, and those paid pursuant to Part 11, Section 3, of the Pay Plan, shall earn vacation time. No employee on leave of absence may earn vacation except when the leave is for the purpose of accepting a temporary working position in another class.  
b) On and after July 1, 1979: Eligible employees shall earn vacation time in accordance with the following schedule:  
1) From the date of hire until the completion of five (5) years of continuous service: ten--10 working days per year of employment.  
2) From the completion of five (5) years of continuous service until the completion of nine (9) years of continuous service: fifteen (15) working days per year of employment.  
3) From the completion of nine--9 years of continuous service until the completion of fourteen--14 years of continuous service: seventeen (17) working days per year of employment.  
4) From the completion of fourteen--14 years of continuous service until the completion of nineteen--19 years of continuous service: twenty--20 working days per year of employment.  
5) From the completion of nineteen--19 years of continuous service until the completion of twenty-five--25 years of continuous service: twenty-two--22 working days per year of employment.  
6) From the completion of twenty-five--25 years of continuous service: twenty-five--25 working days per year of employment.

- c) Vacation time may be taken in increments of not less than one-half (1/2) day at a time, any time after it is earned, provided the employee has at least six (6) months of continuous accumulated time at date of hire. Vacation time shall not be accumulated for more than one (1) year.

- d) Intermittent employees shall earn vacation in accordance with the schedule set forth in subsection (b) of this Section on a prorated basis.

- e) Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service which qualified for earning of vacation benefits is continuous with present service.

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1) **Heading of the Part:** Certificate of Certified Public Accountant

2) **Code Citation:** 23 Ill. Adm. Code 1400

Section Number:	Adopted Action:
1400.10	Amended
1400.20	Amended
1400.30	Amended
1400.40	Amended
1400.50	Amended
1400.55	Amended
1400.60	Amended
1400.70	Amended
1400.80	Amended
1400.90	New Section
1400.105	Amended
1400.110	Amended
1400.115	New Section
1400.117	New Section
1400.119	Amended
1400.160	New Section
1400.175	Amended
1400.180	Amended
1400.190	Amended
1400.210	New Section

4) **Statutory Authority:** Implementing Sections 2, 2.1, 5, 5.1, and 6 of the Illinois Public Accounting Act [225 ILCS 450/2, 2.1, 3, 5, 5.1, and 6]; authorized by Section 26 of the Illinois Public Accounting Act [225 ILCS 450/26].

5) **Effective Date of Amendments:** September 26, 1997

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this proposed amendment contain incorporation by reference?** No

8) **Date filed in Agency's Principal Office:** September 16, 1997

9) **Notice of Proposal Published in Illinois Register:** June 21, 1997; 21 Ill. Reg. 7808

10) **Has JCPR issued a Statement of Objection to this Rule?** No

11) **Differences between proposal and final version:** In addition to minor grammatical and typographical changes as recommended by the Administrative Code Unit, a provision was added to provide for disqualification of hearing officers for bias or conflict of interest.

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12) **Have all the changes agreed upon by the Agency and JCPR been made as indicated in the agreement letter issued by JCPR?** Yes

13) **Will this amendment replace an emergency rule currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of the Rule:** In addition to making several nonsubstantive changes for consistency and clarity, provisions for hearings are expanded to provide greater due process for applicants, candidates and others denied admittance to the CPA examination or accused of violations. To assure fairness and security of the exam, a Section is added prohibiting specified types of misconduct and providing penalties therefor, and to enforce confidentiality and non-disclosure of the CPA examination results, and to avoid conflicts of interest. Provisions are added to allow proxy voting by Board members in limited circumstances and to allow presence at meetings by video and teleconference. Fees for taking the exam, for certification by reciprocity, and related services are increased to meet statutory requirements that the exam be self-supporting. A provision is made for candidates who wish to have a grade review. A provision is added to allow the Board to grant variances in limited situations.

16) **Information and questions regarding this adopted rule shall be directed to:**

Ms. Joanne Viclan  
Executive Director  
Illinois Board of Examiners  
505 E. Green Street  
Room 216  
Springfield, IL 61820-5723  
(217) 333-1565

**The full text of the adopted amendments begins on the following page:**

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## CHAPTER VI: BOARD OF EXAMINERS

## PART 1400

## CERTIFICATE OF CERTIFIED PUBLIC ACCOUNTANT

- Section  
 1400.10 Administrative Functions  
 1400.20 Duties of the Board of Examiners  
 1400.30 Appointment to the Board of Examiners  
 1400.40 Board Address  
 1400.50 Signatures and Compensation of the Board of Examiners  
 1400.55 Addition to the Examination: Issuance of Reciprocal Certified Public Accountant e-Prax Certificate  
 1400.60 Filing of the Application and Payment of Fees  
 1400.70 Rebate of Fees  
 1400.80 Appeals; Hearings  
 1400.90 The Educational Requirement  
 1400.100 Examinations - General  
 1400.105 Examinations - Miscellaneous  
 1400.110 Examinations - Uniform Examination Examinations - Non-Disclosure - Security  
 1400.115 Examinations - Required Confidentiality Statements  
 1400.116 Examinations - Penalties for Violation of Non-Disclosure Provisions  
 1400.117 Examinations - Penalties for Violation of Non-Disclosure Provisions  
 1400.118 Examinations - Penalties for Violation of Non-Disclosure Provisions  
 1400.119 Examinations - Penalties for Violation of Non-Disclosure Provisions  
 1400.120 Examinations - Scope  
 1400.130 Examinations - Length  
 1400.140 Examinations - Preparations and Grading  
 1400.150 Examinations - Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates  
 1400.160 Examinations - Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates  
 1400.170 Examinations - Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates  
 1400.175 Candidate Request for Grading Review  
 1400.180 Certified Public Accountant e-Prax Certificate - Awarding  
 1400.185 Retention of Records  
 1400.190 Disposition of Fees  
 1400.200 Disposition of Fees  
 1400.210 Granting Variances

AUTHORITY: Implementing and authorized by Section 26 of the Illinois Public Accounting Act [25 ILCS 450/26].

SOURCE: Emergency rule at 5 Ill. Reg. 276, effective December 15, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 8303, effective July 31, 1981; emergency amendment at 7 Ill. Reg. 7342, effective June 1, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 3342, amended at 8 Ill. Reg. 24720, effective December 12, 1984; amended at 10 Ill. Reg. 4237, effective February 21, 1986; amended at 18 Ill. Reg. 14143, effective August 26, 1994;

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amendment at 19 Ill. Reg. 984, effective January 18, 1995, for a maximum of 150 days; transferred from Chapter V, 23 Ill. Adm. Code 1300 (Board of Trustees) pursuant to 225 ILCS 450, January 1, 1994, at 19 Ill. Reg. 6325, amended at 20 Ill. Reg. 6262, effective May 1, 1996; amended at 21 Ill. Reg. 13315, effective SEP 26 1997.

## Section 1400.10 Administrative Functions

The administrative functions of the Board of Examiners (the Board) University of Illinois under the Illinois Public Accounting Act (the Act) as amended shall be performed by an Executive Director and a Deputy Executive Director of the Board of Examiners, appointed by and responsible to the Board.

(Source: Amended at 21 Ill. Reg. 13315, effective SEP 26 1997.)

## Section 1400.20 Duties of the Board of Examiners

- a) The Board of Examiners (hereinafter called the Board) shall receive all applications for examinations under the Act, shall examine all evidence submitted in support of or in opposition to such applications, and shall issue letters of admission to candidates designating the date and place of all examinations to be held under the Act and all requirements of the Act and this Part.
- b) The Board shall designate the times and places of all examinations under the Act, shall have the University advertise the same according to the provisions of the Act, and shall arrange for the conduct of such examinations.
- c) The Board shall request that arrange for an adequate supply of the examination questions from the American Institute of Certified Public Accountants (AICPA) to be delivered to examination sites and placed in a secure location until time for use at the examinations as advertised.
- d) The Board shall determine receive the grades of all candidates who have taken the examinations under this Act and shall certify to the passing grades and satisfy the other qualifications prescribed by the Act and this Part.
- e) The Board shall receive all applications for the certified public accountant e-Prax certificate filed under Section 5 of the Act, shall examine all evidence submitted in support of or in opposition to such applications, and shall certify to the President of the University the names of the applicants whose qualifications have been determined by the Board to who comply with the provisions of this Part Section.
- f) The Board shall receive all applications for the certified public accountant e-Prax certificate filed under Section 1400.160(d) of this Part, shall examine all evidence submitted in support of or in opposition to such the applications, and shall certify to the

## BOARD OF EXAMINERS

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President of the University the names of the applicants whose qualifications have been determined by the Board to comply with the provisions of the Act and this Part.

- g) The fees collected under this Part will be deposited with the University and the University shall be responsible for payment of all expenses incident to this Act; the Executive Director shall certify all statements of expenses and fees of the Board.

(Source: Amended at 21 Ill. Reg. 13315, effective SEP 26 1997)

## Section 1400.30 Appointment of the Board of Examiners

The members of this Board of Examiners, having the qualifications as specified in Section 2 of the Act, shall be nominated as provided in Section 1400.50(c)(3). The nominations shall be forwarded to the President of the University who shall forward them to the University of Illinois Board of Trustees (Board of Trustees).

(Source: Amended at 21 Ill. Reg. 13315, effective SEP 26 1997)

## Section 1400.40 Board Address

- a) The mailing address of the Board is:

Board of Examiners  
505 E. Green Street  
Champaign, Illinois 61820-5723  
University of Illinois  
10-Henry Administration Building  
566-S-Wright-Street  
Urbana, IL 61801

- b) The location of the Board Office where the Board's rules are available for inspection and copying and where the Board posts notices of Board and Board Committee meetings are posted pursuant to the Open Meetings Act 5 ILCS 120/ at is:

Room 216  
505 E. Green  
Champaign, Illinois 61820-5723

- c) The Board's telephone number, at which the public may request information on the examination, including an application to sit for the examination, dates of the examination, the location where the examination is given, qualifications for the examination, and information on the application process, is (217) 333-1565.

- d) The Board's fax number, through which the public may submit written requests for information on the examination, including an application

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to sit for the examination, dates of the examination, the locations where the examination is given, qualifications for the examination, and information on the application process, is (217) 333-3126. ~~PURPOSE~~  
NOTE: A candidate may not submit an application to sit for the examination via fax.

(Source: Amended at 21 Ill. Reg. 13315, effective SEP 26 1997)

## Section 1400.50 Organization and Compensation of the Board of Examiners

- a) The Board shall annually elect a Chair and a Vice-Chair as officers of the Board, to serve a one year term from August 1 through July 31 of the following year, as follows:

- 1) On or before August 1 of each year, members of the Board members who have been duly appointed pursuant to Section 2 of the Act to serve during the subsequent year will meet to elect from among the Board members a Chair and Vice-Chair.

- 2) The nominating committee created under subsection (c)(3) of this Section shall propose one nominee for Chair and one nominee for Vice-Chair. The recommendations of the nominating committee shall be forwarded to each member of the Board by June 1 of each year.

- 3) Nominations in addition to those made by the nominating committee may be made by any three Board members at or before the meeting at which the officers shall be elected.

- 4) The only first order of business at the meeting shall be the election of the Chair and Vice-Chair. The meeting shall be presided over by the previous year's Vice-Chair, or such other Board member as the Board may agree upon.

- 5) If only one person is nominated for an office, election may be by voice vote. If more than one person is nominated, election shall be by secret ballot. In order to be elected Chair or Vice-Chair, a Board member must receive no less than a majority of the votes.

- b) Duties of Chair, Board President and Board Members: Removal

- 1) The Chair, Board President, and Board members shall prepare an agenda for Board meetings, shall assign Board members to serve at the times and examination sites as necessary for each examination, and shall serve as Officer-in-Charge of the examination site during such examination. The Chair will make appointments as indicated in subsection (c) of this Section and shall supervise the activities of the Executive Director in accordance with the Board directives and policy. In the absence of the Vice-Chair, the Chair shall preside at Board meetings. In the absence of the Chair, shall serve the remainder of the term in the event of the death, resignation or removal of the Chair, and shall serve the death, resignation or removal of the Chair, and shall serve during each examination as Officer-in-Charge of an examination

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- site other than the site at which the Chair serves.
- 3) Board members are expected to attend all Board meetings, to accept assignment by the Board Chair to attend and attend all meetings of Board Committees, and to accept and fulfill the assignments by the Board Chair to attend and support the Board Chair in the discharge of his/her duties. Board members are prohibited from doing so under Section 140.110 of the Public Accounting Act.
  - 4) The Chair or Vice-Chair of the Board may be removed from his or her position as an officer of the Board by the affirmative vote of six (6) Board members at any regular Board meeting or at any special Board meeting called for that purpose. Not less than 15 days written notice shall be given to each Board member of the intent to call for a vote to remove the Chair or Vice-Chair from his/her office.
  - 5) Any Board member who misses three consecutive Board meetings, or four or more consecutive Board and/or Board Committee meetings, shall be deemed to have resigned and shall be subject to removal by the Board. For the purposes of this subsection (b)(5), failure to fulfill an assignment by the Chair to attend and supervise an examination site shall constitute failure to attend a Board meeting for each day or portion of a day missed. The Chair shall accept as an excuse such reasons as illness of the Board member, serious illness or death of a family member, unavoidable conflict with other professional commitments, and other reasons which make it highly difficult or impossible for a Board member to fulfill his/her obligations. A Board member's previous attendance record may be considered by the Chair in determining whether a Board member has resigned by the Board member. Any Board member removed by operation of this subsection (b)(5), or whose excuse for failure to attend a Board meeting or Board Committee meeting is not reasonably accepted by the Chair, may appeal to the full Board. In the event of such an appeal, in order to uphold the Chair's determination and/or removal of a Board member, the Board must affirm the determination or removal by an affirmative vote of five Board members, of which the Chair may be one.
- c) The Chair shall appoint the following committees:
- 1) An Administrative Committee, composed of three members, one of whom shall be appointed Chair of the Committee by the Chair of the Board. The Administrative Committee shall be charged with the review and make recommendations to the Board for changes in the Board rules and policies as may be appropriate or necessary. The Committee shall undertake additional responsibilities as delegated by the Board or the Board Chair.
  - 2) A Finance Committee, composed of the Chair or Vice-Chair of the Board, and such additional member(s) as the Board or Board Chair may determine. The Board Chair or Vice-Chair shall serve

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- as Chair of the Finance Committee. The function of the Finance Committee is to prepare and recommend a budget for Board approval, to make such recommendations for adjustment of fees as may be necessary or appropriate, and to maintain oversight of the financial affairs of the Board. The Board shall comply with the Act, the Board's budget, and any accounting procedures relating to financial issues, and any accounting procedures adopted by the Board.
- 3) A Nominating Committee, composed of the immediate past Chair, two members of the current Board and two former members of the Board. The function of the Nominating Committee shall be to nominate members to the Board to fill vacancies on the Board and to nominate officers for the Board as set forth in subsection (a)(2) of this Section. The Nominating Committee shall prepare its recommendations by April 1 of each year for nominations to fill vacancies on the Board and members whose terms expire July 31 of that year. The Nominating Committee may recommend such other persons as may be necessary to make nominations to fill positions that have been vacated due to the death, resignation or removal of a Board member. In carrying out its duties to nominate individuals to the Board, the Nominating Committee shall give preference to current Board members who are eligible for an additional term, unless the individual has requested that he/she not be reappointed. To avoid conflicts of interest and the assurance of conflicts of interest, before any person is nominated to the Board, he or she shall agree that from the time of appointment to the Board and for one year following termination of his or her Board service, the nominee will not participate in any way in the selection or appointment of a CPA examination co-chair or review course of any kind and will engage in any capacity or enter into any relationship that might involve or reasonably appear to others to involve a conflict of interest with his or her position as a Board member. The Nominating Committee will also consider recommendations from consultants with past Board members and the professional associations of certified public accountants leadership of the Illinois CPA Society in developing its recommendations. The Nominating Committee shall nominate only that number of individuals as are needed to fill vacancies on the Board. The Nominating Committee shall forward its nominations to the President of the University, who shall forward the nominations to the University Board of Trustees.
  - 4) A Candidacy Committee, composed of three or more members, one of whom shall be appointed Chair of the Committee by the Chair of the Board. The function of the Candidacy Committee will be to review questions that arise regarding qualifications of applicants for examination and requests from applicants for a waiver or deferral under Section 2 of the Act, candidates

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or for other relief under the Americans with Disabilities Act or similar laws, and determine the disposition of such petitions, subject to appeal pursuant to Section 1400.80 of this Part. The Candidacy Committee shall also make such recommendations to the Board for promulgation of rules or policies with regard to petitions for waiver or deferral under Section 2 of the Act, or under the Americans with Disabilities Act ADA or similar laws, as it deems appropriate.

- 5) A State liaison to provide liaison between the Board and such other professional associations of certified public accountants as the Board shall deem appropriate regarding current issues in accounting profession.

6) 5) Such individuals as the Chair or Board shall deem to be necessary to carry out the duties and responsibilities of the Board.

7) 6) Except as may be specifically authorized by the Board or by these regulations, the actions of any Committee shall be advisory only and are subject to approval or rejection by the Board.

## d) Board and Committee Meetings

1) Board meetings shall be at such times, dates and places as may be determined by:

- A) the Board, which shall at its meeting at which officers are elected, establish dates for the following year at which regular meetings of the Board shall take place;
  - B) call of the Board Chair, a notice of which shall be given to all Board members at least 15 14 days prior to the date of the meeting, except as provided in subsection (d)(1)(D) below, and which notice shall specify the subject or subjects to be discussed;
  - C) call of any three Board members, a notice of which shall be communicated to all Board members not less than 15 14 days prior to the date of the meeting, except as provided for in subsection (d)(1)(D) below, and which notice shall specify the Board members calling for such meeting and the subject or subjects to be discussed; or
  - D) on an emergency basis by the Chair or any three Board members, on less than 15 14 days notice, in which case notice shall be given not less than 48 hours before the meeting and shall specify the Board member(s) calling for such meeting and the subject or subjects to be discussed and the emergency which is the basis for calling a meeting under the provisions of this subsection (d)(1)(D).
- 2) For the purpose of notice required by subsection (d)(1) above, such notice may be waived by unanimous consent of all Board members, reflected by a written statement signed by all Board members and placed in the official minutes of the meeting.
- 3) Committee meetings may be called by the Board Chair, the Committee Chair, or by a majority of the members of any

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Committee. Notice of the time, date and place of a Committee meeting, and the subjects to be discussed, shall be communicated to all Committee members and the Chair of the Board not less than 15 14 days prior to the date of the meeting. Notice may be waived by unanimous consent of all Committee members, which shall be reflected by a written statement signed by all Committee members and placed in the official minutes of the meeting.

- 4) Any actions taken at a meeting for which notice fails to comply with the notice requirements of this Section shall be void and of no effect.
- 5) A quorum of the Board necessary to conduct the business of the Board shall be five members. Action of the Board, except as specified in subsection (a)(5) of this Section, shall be by a majority vote of those present at the Board meeting.
- 6) A quorum of any Board Committee shall be a majority of the members appointed to the Committee. Committee action shall be by a majority of Committee members present, except as may be specified by the Board Chair or Committee Chair in the case of delegation of specific Board authority to a Committee.

7) At all Board and Committee meetings except hearings conducted under the provisions of Section 1400.80 of this Part, any Board member may designate another Board member to vote as his or her proxy on his or her behalf on any issue before the Board. The Board member so designated shall be limited to the same powers as the Board member so designating, and shall clearly set forth the extent of the grant of authority, the specific issue or issues to which the grant of authority applies, and any limits or restrictions to which the grant of authority is subject to. The Board member receiving the proxy authority may, if present, exercise any or all authority granted under the terms of the proxy or may choose to decline exercise of all or any portion of such authority.

8) For purposes of this Part, any Board member will be considered present at any meeting of the Board or Board Committee, except hearings conducted under the provisions of Section 1400.80 of this Part, if he or she is physically present, has given his or her vote in the vote of a Board member, or otherwise presents or is represented at the meeting and deliberations by teleconference and/or video conference.

9) 7) Compliance with the provisions of the Open Meetings Act [5 ILCS 120]. The Executive Director shall publish notice of all meetings of the Board and Board Committees by posting a notice and agenda thereof at the Board Office.

e) Members of the Board of Examiners shall be reimbursed for travel according to the rates approved by the Higher Education Travel Control Board of Illinois [80 Ill. Adm. Code 2900] and other necessary expenses and shall receive an honorarium as follows for conducting each examination and for all other services rendered in performing the

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duties imposed upon them by the Act: Board Chair and Vice-Chair, other members, \$12500 annually for each member; Secretary, \$12500 annually; and other members, \$12500 annually. A copy of the results of the examination shall be made available to the public upon request. The Board of Examiners shall be composed of the following members: Board of Labor Statistics, Consumer Price Index Detailed Report for Urban Consumers. Deputies of the Board will receive an honorarium of \$1,625 \$97500 for conducting each examination and expenses incurred in connection with the examination. The Deputy honorarium is also to be adjusted annually for Cost of Living using United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index Detailed Report for Urban Consumers.

(Source: Amended at 21 Ill. Reg. 133.3, effective 10/1/84)

#### Section 1400.55 Admission to the Examination; Issuance of Reciprocal Certified Public Accountant CPA Certificates

a) The Executive Director, on behalf of the Board, shall:

- 1) issue a letter of admission to the examination along with the certificate who has timely filed an application along with the required fee and evidence of compliance with all requirements of the Act and this Part;

- 2) issue a certificate as a certified public accountant to any individual who holds a valid, unrevoked certificate as a Certified Public Accountant, as defined in the laws of the State of Illinois, and who is a resident of the State of Illinois, or the District of Columbia, upon receipt of an application, along with the required fee and evidence showing compliance with Section 5 of the Act;
- 3) issue a certificate as a certified public accountant to any individual who holds a foreign designation, granted in a foreign country, entitling the holder thereof to engage in the practice of public accounting, upon receipt of an application, along with the required fee and evidence showing compliance with Section 5-1 of the Act.

- b) In cases in which the Executive Director has denied an application under subsection (a)(1), (2), or (3) of this Section, and in cases in which an applicant has been denied a certificate under the provisions of the Act, this Part or under any other applicable law, the Executive Director shall refer the case to the Candidacy Committee established under Section 1400.50(c)(4).

- c) The Candidacy Committee shall review all applications referred to it under Section 1400.50(b), including all documents and evidentiary exhibits submitted by the applicant, within 15 days after receipt of requests for special consideration by the Executive Director.

- d) The Candidacy Committee may, in cases in which expert testimony is submitted by an applicant, require that an applicant undergo evaluation by an expert retained by the Board, at the Board's expense.

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The evaluation shall be at a time and place reasonably convenient to the applicant. A copy of the results of the evaluation shall be made available to the public upon request. The Board of Examiners shall be composed of the following members: Board of Labor Statistics, Consumer Price Index Detailed Report for Urban Consumers. Deputies of the Board will receive an honorarium of \$1,625 \$97500 for conducting each examination and expenses incurred in connection with the examination. The Deputy honorarium is also to be adjusted annually for Cost of Living using United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index Detailed Report for Urban Consumers.

(Source: Amended at 21 Ill. Reg. 133.3, effective 10/1/84)

#### Section 1400.60 Filing of the Application and Payment of Fees

- a) Applicants for the examinations for the certified public accountant CPA certificate under the Act shall obtain an application from the Board Office listed in Section 1400.40(a) and (b). The applicants must file their applications with the Board together with official transcripts of academic records to establish their eligibility. The proper fee as authorized in Section 6 of the Act must accompany each application for examination, re-examination, reciprocity and transfer of examination grades. The schedule of fees is as follows:

- 1) Candidate writing for the first time \$300 \$266-00
- 2) Candidate transferring conditional credit from jurisdiction \$300 \$266-00
- 3) Candidate's jurisdiction in all subjects \$300 \$266-00
- 4) Candidate-writing-three-half-day sessions \$300 \$266-00
- 5) Candidate writing two half-day sessions \$240 \$238-00
- 6) Candidate writing one half-day session \$215 \$195-00
- 7) Candidate from Illinois proctored in Illinois \$140 \$125-00
- 7) Application for certificate under Section 5 of the Act \$300 \$266-00
- 8) Application for certificate by complete transfer of examination grades pursuant to Section 1400.160(d) \$300 \$266-00
- 9) Fee for certification of valid Illinois CPA certificate \$150 \$135-00
- 10) Fee for recertification of valid Illinois CPA certificate \$150 \$135-00
- 11) Fee for duplicate CPA certificate \$150 \$135-00
- 12) Fee for duplicate CPA certificate \$150 \$135-00
- 13) Fee for foreign credentials evaluation \$30 \$25-00
- 14) Fee for application fee \$200 \$175-00
- 15) Fee for letter and collect a fee of \$.25 per page for letter and legal size copies as reimbursement for the cost of production, handling and shipping of lists and mailing labels of the names and addresses of successful candidates and lists of names and

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addresses of applicants for examinations released as public information under the provision of Section 2 of the Act.

(Source: Amended at 21 Ill. Reg. 13315, effective 5-1-17)

## Section 1400.70 Rebate of Fees

- a) Fifty percent only of the prescribed fee shall be returned to any applicant whose credentials have been submitted and examined but who is found not qualified to take the examination.
- b) Fifty percent only of the prescribed fee shall be returned to any applicant who fails to attend the examination provided notification that the applicant will not be present is received in writing by the board at least 30 thirty-calendar days prior to the beginning of the examination.
- c) No fee shall be returned to any applicant who is present at the examination and withdraws for any reason after the beginning of the examination.
- d) The fee paid by a candidate from another jurisdiction who is being proctored in Illinois shall be non-refundable.
- e) In hardship cases, where applicants for the examination are prevented from attending for such reasons as unexpected illness, death in the immediate family, or call to active duty in the military service, fifty percent only of the fee may be returned provided that under the circumstances it was not reasonable possible for the applicants to notify the board at least 30 thirty-calendar days prior to the beginning of the examination. The fee shall be returned only upon the filing of the petition and the accompanying proof of the hardship, e.g., doctor's verification, death certificate, obituary-notice, copy of military orders, etc.).
- f) Fifty percent only of the prescribed fee shall be returned to applicants for certificates under the provisions of Section 5 of the Act or Section 1400.160(d) whose credentials have been submitted and examined but who are found not qualified for the Illinois Certified Public Accountant CPA Certificate.
- g) All other fees both the proctoring-fee and the foreign-valuation-fee are non-refundable.

(Source: Amended at 21 Ill. Reg. 13320, effective 1-1-17)

## Section 1400.80 Appeals; Hearings

- a) An individual whose application or request is denied by the Candidacy Committee may, within 15 14 days after the mailing of notice of a denial or acceptance with modifications of his or her application, appeal to the Board by filing therewith a petition for hearing.

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- 1) The petition for hearing must be postmarked not later than 15 14 days after the mailing of the notice of denial or acceptance with modifications.
- 2) The petition for hearing need not be in any particular form, but shall include the name of the petitioner, the nature of the application or request which was denied, and the specific grounds on which the individual seeks to have the determination of the Candidacy Committee overturned.

- b) A candidate charged with misconduct pursuant to Section 1400.105 of this Part, or any person charged with violation of the confidentiality provisions of Section 1400.110 of this Part, may, within 30 30 days following the date notified of this charge, file a petition for hearing before the Board to contest the charge and/or to present evidence and argument requesting leniency in imposition of penalties.
- c) A candidate charged with misconduct pursuant to Section 1400.105 of this Part, or any person charged with violation of the confidentiality provisions of Section 1400.110 of this Part, may, within 30 30 days following the date notified of this charge, file a petition for hearing before the Board to contest the charge and/or to present evidence and argument requesting leniency in imposition of penalties.
- d) All hearings shall be heard by the full Board, except that the members of the Candidacy Committee, any member of the Board who has brought the charge which is the subject of a hearing under subsection (b), and any member of the Board who is a substantive witness at such hearing who took part in decisions with regard to the petitioner-candidate who is the petitioner-in-the-appeal shall be excluded from voting. If a petition for hearing fails to comply with subsection (a) or (b), as applicable, the Board shall deny the petition and notify the petitioner of the denial and the grounds thereof within 15 10 days. Individuals whose petitions have been denied for failure to comply with subsection (a) or (b), as applicable, may appeal that denial by filing a written petition in compliance with subsection (a) or (b), as applicable, and shall have a determination of the adequacy of the original petition based solely on written evidence submitted.
- e) All hearings the hearing shall be considered a "de novo" hearing, and neither the Board nor the parties shall be limited to presenting or considering evidence that was previously presented to the Candidacy Committee. In hearings under subsection (a), the burden of proving facts which entitle the petitioner to the relief requested, and of establishing an adequate legal basis for the relief requested, shall be on the petitioner, who must sustain the burden of proof by a preponderance of the evidence. At a hearing to contest the validity of charges under subsection (b), the burden of proving the charge shall be on the accuser, who shall be required to prove the charge by a preponderance of the evidence.
- f) The Board shall consist of a timely and sufficient valid petition the Board shall notify the petitioner of the time, date and place of hearing, the agent-authority-and-jurisdiction-fee-the hearing, and reference to the substantive and procedural rules which will govern the hearing. The notice shall be sent by certified mail to the petitioner at the address shown on the petition not less than 15 10 days prior to the date of the hearing.



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- a) As provided in Section 3 of the Act, to be admitted to take the examination given before January 1, 2001, a candidate for the Illinois Certified Public Accountant CPA examination must have successfully completed at least 120 semester hours of acceptable credit. Of the semester hours accepted by the Board, at least 27 semester hours shall be in the study of accounting, auditing and business law, provided not more than 6 semester hours of business law credits may be applied to take the Certified Public Accountant examination CPA examination during their final term, semester or quarter, but must meet the educational requirements at the time the examination is given.
- b) Acceptable credit recognized by the Board is:
- 1) credit earned from a college or university which is a candidate for or is accredited by a regional accrediting association which is a member of the Commission on Recognition of Educational Institutions of the Middle States Association (CMSA);
  - 2) credit earned at a business school or college of business within the educational institution that is accredited by the American Assembly of Collegiate Schools of Business (AACSB), or
  - 3) Assembly of Collegiate Business Schools and Programs (ACBSP).
- c) To be admitted to the Illinois CPA examination after January 1, 2001, a candidate for the Illinois CPA examination must have successfully completed at least 150 semester hours of acceptable credit including a baccalaureate or higher degree. The semester hours accepted by the Board must include an accounting concentration or its equivalent. A candidate will be deemed to have met the education requirement if, as part of the 150 semester hours of education or equivalent as determined by the Board, he or she has met any one of the four conditions listed in subsections (b)(1) through (4) below. With each of the conditions listed below, accounting hours do not include business law, and no more than six semester hours of accounting may be obtained through internships or life-experience.
- 1) A baccalaureate degree with a concentration in accounting from a program that is accredited in accounting by an accrediting agency recognized by the Board.
  - 2) Earned a graduate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed at least 24 additional semester hours in accounting at the undergraduate level or 15 semester hours at the graduate level or equivalent combination thereof, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting.
  - 3) Earned a baccalaureate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed 24 semester hours in accounting at the undergraduate or graduate level, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting, and completed at least 24 additional semester hours

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- of business courses, or substantially equivalent (other than accounting) courses, at the undergraduate or graduate level.
- 4) Earned a baccalaureate or higher degree from an accredited educational institution or other institution recognized by the Board, including at least 24 semester hours of accounting at the undergraduate and/or graduate level with at least one course each in accounting, auditing and business law. The semester hours of accounting and completed at least 24 additional semester hours of business courses or substantially equivalent (other than accounting) courses at the undergraduate or graduate level.
- d) For all purposes above, the formula for conversion of semester hours to quarter hours is 1 semester hour times 1.5 equals 1 quarter hour.
- e) For structured course work in progress at the time of application, the Board must receive official verification by the application deadline that the course will be complete, including the final examination, before the start of the examination in which the applicant wishes to participate. For non-structured course work, such as correspondence courses, independent study, or CLEP, the course must be completed and the grade received 30 days in advance of the examination in which the applicant wishes to participate. For structured course work, the collection of all requirements must be received by the Board no later than 30 days prior to the scheduled date for mailing of examination grades as indicated on the examination papers.
- (Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1995)
- Section 1400.105 Examinations - Misconduct
- a) Misconduct is a serious matter and is strictly prohibited.
  - b) The following actions will be considered misconduct:
    - 1) Communication between candidates inside or outside the examination room to give or receive another candidate's answer, while the candidate is in progress of answering a question.
    - 2) Communication with others outside the examination room while the examination is in progress.
    - 3) Substitution of a candidate by another person to sit in the examination room to write one or more of the examination answers.
    - 4) Possession of and/or reference to crib sheets, textbooks, or other material inside or outside the examination room while the examination is in progress.
    - 5) Divulging any specific content of the examination.
    - 6) Using or attempting to use any method, device, mechanism, scheme or communication while the examination is in progress for the purpose of or with the intent of gaining access to information to assist a candidate in answering questions on the examination. This includes the use of electronic devices or instructions extended to candidates.
    - 7) Procedures and conduct of the examination.

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- c) A candidate who is suspected of misconduct shall be permitted to finish an examination session, unless the Board member in charge of the site determines that to do so would otherwise jeopardize the fair and orderly conduct of the examination; however, a candidate suspected of misconduct may be moved to a segregated location for the remainder of the examination.
- d) The candidate charged with misconduct shall be notified by the Executive Director of the Board, by notice mailed not more than 15 days following the examination, that a charge of misconduct has been made against him or her, and that a penalty specified in the notice will be imposed unless the candidate wishes to contest the charge and/or penalty. Failure to request such a hearing pursuant to Section 1400.140(b) shall result in entry of an order by the Board finding the candidate guilty of misconduct and imposing the penalty as specified in the notice to the candidate.
- e) Penalties.
- Any candidate found guilty of misconduct is subject, at the discretion of the Board and depending on the seriousness of the violation, to one or more of the following penalties:
  - disqualification of credit for the portion of the exam on which the misconduct took place or for the entire exam;
  - forfeiture of condition status (see Section 1400.160(b));
  - a ban from retaking the exam for not less than two or more than five years.
- 2) Any other person found guilty of misconduct shall be referred to appropriate governmental and professional authorities in this and/or other jurisdictions for discipline against his or her certified public accountant certificate and/or license or other professional designation.
- 3) The enumeration of the penalties in this Section shall not preclude imposition of other penalties or liabilities as may be provided by civil or criminal laws.

(Source: Added at 21 Ill. Reg. 13315, effective 11/24/93)

# Section 1400.110 Examinations - Uniform Examination Examinations - Non-Disclosure - Security

The Board makes use of the Uniform CPA Examination prepared by the AICPA. In accordance with the requirements of the Uniform Examination, the CPA examination is a will-be-not-disclosed effective-with-the-May-8-9-1996 examination--All applicants will be asked to sign a non-disclosure statement--and abide by the security procedures developed for this type of examination.

(Source: Amended at 21 Ill. Reg. 13315, effective 11/24/93)

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## Section 1400.115 Examinations - Required Confidentiality Statements

Every person who will, at any time during the examination process, have access to the examination questions shall, prior to the time he or she is given access, comply with the following:

- a) Applicants. Each applicant for admission to the examination shall indicate, with his or her application to sit for the examination, a substantial agreement to the following statement, to be signed by the applicant, in which he or she agrees to keep confidential and not disclose in any manner information received in connection with the examination, and to sign a Uniform CPA Examination questions or content that I acquire as a result of taking the examination. I acknowledge that this information is valuable property belonging to the American Institute of Certified Public Accountants that will be disclosed only to candidates who sit for the Uniform Certified Public Accountant Examination. I understand that any breach of the confidentiality or non-disclosure requirements of the examination may result in expulsion from the examination, disqualification from taking the examination for up to five years from the date of the breach, voiding of any grades received, I understand that I agree to allow the American Institute of CPAs to implement the copyright of the examination questions and content that I acquire as a result of taking the examination, and may also subject me to additional penalties, including but not limited to monetary damages and attorneys fees."

Failure or refusal of an applicant to sign and submit the statement with his or her application shall render the application incomplete and will result in refusal to accept the application.

- b) Candidates. All candidates for the examination will be required, prior to the examination, to read and sign a confidentiality statement in substantially the following form:

"I hereby attest that I will not divulge the nature or content of any question or answer on this examination to any individual or any person other than the Board of Examiners any solicitations and disclosures of other information will not remove, or attempt to remove, any Uniform CPA Examination materials, notes, or other unauthorized materials from the examination room. I understand that failure to comply with this attestation may result in invalidation of my grades, disqualification from future examinations, and possible civil penalties and liability."

Any examination booklet that does not include the signature of the candidate attesting to the above statement will render the candidate's examination null and void.

- c) Board members. Every board member who has access to the examination materials shall, prior to being given access to the materials, sign a Confidentiality Statement agreeing that he/she will maintain the

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confidentiality and non-disclosed nature of the examination. The statement shall be in substantially the following form:

"I hereby agree and warrant that, except as necessary to carry out the duties and responsibilities as a Board member, I will not read the examination questions and will not permit any person, except candidates duly admitted to the examination and then only at the sanctioned time and location, and such other persons as specifically authorized by the Board, to read the questions on the examination. I will not reveal the nature or content of any question appearing on the examination, or any examination procedures, to any individual or entity, and will report to the Board any solicitations or disclosures of which I become aware. I understand that the AICPA and Uniform CPA Examination are owned and controlled by the AICPA and subject to ownership right protection under law. I agree to cooperate with any security briefing, interview or investigation conducted by the AICPA, or any other lawful authority, I hereby represent and warrant that I do not now nor will I in the future without explicit written permission of the Board and the AICPA:

1) Publish any article or book or in any other way disclose or divulge any unpublished Uniform CPA Examination questions;

2) Quote from any unpublished AICPA document prepared by its Board of Examiners or Examinations Division; or

3) Engage in any activity or enter into any relationship that might involve or appear to others to involve a conflict of interest with my employment as a professor, employee or agent of the Board.

I also hereby represent and warrant that I do not now nor will I for one year following termination of my relationship with the Board, without explicit written permission of the Board, participate in any capacity as a CPA Examination coaching review course either as a business, as part of my professional practice, or at a university or college. I acknowledge that monetary damages may be inadequate to protect against breach of this confidentiality agreement, and I hereby consent to the granting of injunctive relief in favor of the Board or the AICPA enjoining breach of the agreements and warranties made herein without proof of actual damages."

4) Others: Each examination proctor, Board employee or agent and any other person who has access to the examination materials, and who is being given access to the materials, signing a Confidentiality Statement agreeing that he/she will maintain the confidentiality and non-disclosed nature of the examination. The statement shall be in substantially the following form:

"I hereby agree and warrant that I will not read the examination questions and will not permit any person, except candidates duly admitted to the examination and then only at the sanctioned time and location, and such other persons specifically authorized by

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the Board, to read the questions on the examination. I will not reveal the nature or content of any question appearing on the examination, or any examination procedures, to any individual or entity, and will report to the Board any solicitations or disclosures of which I become aware. I understand that the AICPA and Uniform CPA Examination are owned and controlled by the AICPA and subject to ownership right protection under law. I agree to cooperate with any security briefing, interview or investigation conducted by the AICPA, or any other lawful authority, I hereby represent and warrant that I do not now nor will I in the future without explicit written permission of the Board and the AICPA:

1) Publish any article or book or in any other way disclose or divulge any unpublished Uniform CPA Examination questions;

2) Quote from any unpublished AICPA document prepared by its Board of Examiners or Examinations Division; or

3) Engage in any activity or enter into any relationship that might involve or appear to others to involve a conflict of interest with my employment as a proctor, employee or agent of the Board.

I also hereby represent and warrant that I do not now nor will I for one year following termination of my relationship with the Board, without explicit written permission of the Board, participate in any capacity as a CPA Examination coaching review course either as a business, as part of my professional practice, or at a university or college. I acknowledge that monetary damages may be inadequate to protect against breach of this confidentiality agreement, and I hereby consent to the granting of injunctive relief in favor of the Board or the AICPA enjoining breach of the agreements and warranties made herein without proof of actual damages."

4) Grandfather Clause: Any Board member appointed to the Board prior to July 1, 1996 who participates in any capacity in a CPA Examination coaching or review course, may continue such activity notwithstanding the provisions of subsection (c) above. Such Board member shall not, however, participate in any examination or other Board activities in such a manner that he/she may have access to the examination questions.

(Source: Added at 21 Ill. Reg. 130.3, effective

## Section 1400.116 Examination - Violations

At any time any person reports to the Board information indicating that any person has violated the confidentiality provisions of Section 1400.115, the Board Chair shall appoint an investigator, who may be the Executive Director, a Board employee or any other person not a Board member, for the purpose of

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conducting a complete and thorough investigation. At the conclusion of the investigation, the investigator shall report to the Board, in writing, his or her conclusions with regard to the report of violation. If the investigator finds there is reason to believe a violation has taken place, or if the Board believes the investigator's report raises substantial issues that should be considered by the Board, the Executive Director shall notify the person charged. The person charged may, within 20 days, request a hearing before the Board under the provisions of Section 1400.80(b) to contest the charges. Section 1400.80(c) shall be conducted in accordance with the rules of the Board. Section 1400.80(d) of the Investigator, and shall be required to prove a violation by a preponderance of the evidence. Failure of the person charged to file an appeal under Section 1400.80(b) shall result in presentation of charges and issues to the Board, and may result in findings by the Board, including but not limited to a finding that the person charged violated the confidentiality agreement, and imposition of penalties as provided in Section 1400.117.

(Source: Added, at 21 Ill. Reg. 1335, effective

#### Section 1400.117 Examinations - Penalties for Violation of Non-Disclosure Provisions

Any person who violates the non-disclosure agreements set forth in Section 1400.115 above shall be subject to the following penalties:

- a) Applicants and candidates. An applicant or candidate who violates the provisions of the confidentiality statement required in Section 1400.115(a) and/or (b) shall be banned from sitting for the certified public accountant examination in this State for a period of not less than two years nor more than five years. If the violator sits for the examination, his or her examination shall be considered null and void, and any grades obtained by the violator shall be considered null and void. The Board shall advise the violator's name to the appropriate National Association of State Boards of Accountancy and other state boards as appropriate, advising them of the violation and the penalty imposed by the Board. Any violator who sits for the examination in another state during the period of time he or she is banned under the provisions of this Section shall not be eligible for a reciprocal certificate under the terms of Section 5.1 of the Act.
- b) Board members. A board member who violates the provisions of the confidentiality statement required in Section 1400.115(c) shall forfeit his/her position on the Board and shall forfeit the honorarium provided by Section 1400.50 for any examination at or in a location to which the violation has taken place. The violator shall be removed from the organization's membership and all state societies to which he/she is a member, advising them of the member's possible violation of the organization's ethics rules.
- c) Others. Examination proctors, Board employees, agents and others who

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violate the provisions of the confidentiality statement required in Section 1400.115(d) shall forfeit their position with the Board.

- d) Penalties Non-Exclusive. The penalties provided for in subsections (a) through (c) of this Section are in addition to any and all other penalties that may otherwise be provided by law. Nothing in these provisions constitutes any limitation on other remedies, including but not limited to, civil or criminal remedies, for violations of the confidentiality statement, for violations of the confidentiality statement, or for damages sustained by the Board, the AICPA or others.

(Source: Added at 21 Ill. Reg. 1335, effective

#### Section 1400.160 Grading Scale, Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates

- a) Grading Scale. The examination papers shall be graded on the scale of 100. The passing grade in each subject is 75. Grades shall be assigned by the Board. Examiners to the University Committee. The list of successful candidates shall be certified to the President of the University.

- b) Condition Candidates.
  - 1) A candidate Under Section 2 of the Act may acquire condition in the subject or subjects failed by:
    - A) passing any two subjects; and
    - B) obtaining a grade of not less than 50 in each subject failed.

- 2) Candidates who achieve condition standing shall be credited with the subject or subjects in which they received passing grades and may, upon application and the payment of the required examination fee, appear for re-examination in the subject or subjects failed after the 1984-1985 examination. The subject or subjects failed after the 1984-1985 examination shall be re-examined for—each succeeding the examination—at which they are qualified—for—each partial re-examination—and effective—May 1994 any of the six examinations next succeeding the examination at which they are qualified for such partial re-examination. When candidates present themselves for re-examination, they must write on all subjects in which they then have failing grades. To obtain credit for a subject or subjects passed upon any re-examination, condition candidates must obtain a grade of not less than 50 in each subject failed in any such re-examination.

- 3) If, on re-examination, the candidates pass in the subject or subjects in which they previously failed, they shall receive credit for the certified public accountant CPA certificate if they fail to pass the remaining subject or subjects within the time provided, they shall revert to the status of new applicants and shall be required to write the entire examination.

- 4) The time limitation within which a candidate is required to pass subjects under this rule shall not include any period during

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which the applicant serves in the armed forces of the United States.

- 5) The fee schedule for conditioned candidates shall be as stated in Section 1400.60 of this Part.

c) Transfer of Credits from Another State.

- 1) A person who has written as a candidate in another state and who has passed part of the examination in such other state may write as a condition candidate in Illinois:

- if the educational requirements of the Illinois statute have been met; and
  - provided the applicant would qualify as a condition candidate if the examination in such other state had been written in Illinois.
- A candidate who qualifies for a transfer of credits from another state shall pay the fee in force upon submission of the initial application to write as an Illinois candidate; thereafter the fee shall be the same as for other condition candidates.

d) Transfer of Credits by Candidate Who Has Passed the Examination in Another State.

- A candidate who has passed the entire examination in another jurisdiction, or has passed a portion of the examination equivalent to the entire Illinois examination, but who is ineligible to obtain a certificate from such other jurisdiction may transfer the credits and receive a certificate in Illinois provided:

- the educational requirements of the Illinois statute have been met; and
- the applicant would be entitled to an Illinois certificate if the examination had been written under the Illinois statute and rules.

- The fee in force must accompany the application for a transfer of credits for the entire examination.

3) Transfer of credits shall be accepted if the applicant wrote all subjects on the initial examination, and:

- passed all subjects, or
- before May 1994, passed Practice or any two subjects, obtained a grade of at least 50 in each subject failed, and passed the failed sections within three of the next six succeeding examinations, or
- after May 1994, passed any two subjects, obtained a grade of at least 50 in each subject failed, and passed the failed sections within the six next succeeding examinations.

e) Certificates by Reciprocity.

- The University, upon recommendation of the Board, shall issue a certificate as a certified public accountant, without examination:

- To any applicant who holds a valid unrevoked certificate as a certified public accountant issued under the laws of any

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other state or territory of the United States or the District of Columbia provided all requirements of Section 5 of the Act and this Part have been met, or

- To any foreign accountant who has passed the United States or American Institute of Certified Public Accountants (AICPA) uniform qualifying examination for that jurisdiction acceptable to the Board.

- The fee in force shall be payable by the applicant at the time of filing of the application for a certified public accountant EPA certificate by reciprocity.

f) Out of State Candidates.

Applicants who have been approved as candidates in other jurisdictions shall be allowed to take the examination in Illinois provided the proctoring has been requested and authorized by the boards or officials responsible for administering the examinations in such other jurisdictions. The applicants shall remit non-refundable proctoring fees as prescribed in Section 1400.60 prior to deadlines established by the Board.

(Source: Amended at 21 Ill. Reg. 130.1, effective 11/1/93)

## Section 1400.175 Candidate Request for Grading Review

The grading and review of all candidate papers are subjected to very high quality control, and all failures occur near the assigned grade are reviewed for accuracy at least twice by two different experienced graders prior to the release of the grades. A grade review rarely results in a grade change. The Board nonetheless makes available to all candidates an opportunity to request a special review of their answer papers to verify the accuracy of the grading process.

- All requests for a grade review must be submitted to the Board no later than 30 days after the grades are mailed to the candidate's address as it appears on the application or as updated by the candidate at the time of the examination.
- The request for review must state the candidate's name, address, and the section or sections of the examination the candidate wishes to have reviewed.
- Each candidate's review must be accompanied by a check, payable to the National Association of State Boards of Accountancy, in the amount of \$50 each for the sections on Business Law & Professional Responsibilities, Auditing, and Financial Accounting and Reporting, and \$30 for the section on Accounting and Reporting.
- Upon timely receipt of a sufficient request for grading review, the Board will forward the request to the AICPA. The AICPA shall perform a review on the candidate's examination by:
  - conducting a manual verification of the accuracy of the objective

## BOARD OF EXAMINERS

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## ANSWER SCORES:

- 2) Reducing the independent verification of the original scores of the candidates for other problem solutions by a technical manager who did not participate in the original grading of the questions; and
  - 3) retabulating the total score.
- a) The candidate shall be notified by the AICPA of a "no change" unless:
- 1) a failing grade is increased to 75 or higher; or
  - 2) a failing grade is increased to the minimum grade required on sections failed to retain credits for sections passed.

(Source: Amended at 21 Ill. Reg. 1335, effective 11/2/13.)

Section 1400.180 Certified Public Accountant ~~C-P-A~~ Certificate - Awarding

Each candidate who satisfies all the requirements and is duly certified as above required, shall receive a certificate designating the recipient as a Certified Public Accountant. This certificate shall be issued in the name of the University, and shall be signed by the Board and the President of the University, the Secretary of the Board of Trustees and, when issued on the basis of examination, by members of the Board of Examiners.

(Source: Amended at 21 Ill. Reg. 1335, effective 11/2/13.)

## Section 1400.190 Retention of Records

- a) The Board shall preserve for a period of five years all applications submitted by candidates for the Certified public accountant ~~C-P-A~~ examinations and all supporting documents and correspondence relating to the application; shall maintain a permanent record for each applicant admitted to the examinations, which contains information concerning the date and place of the examinations, the grades received, the condition status of candidates qualifying under Section 1400.160, the certificate number and date of issuance for candidates qualifying under Section 2 or Section 3 of the Act, and any other information which the Board committee considers appropriate; and shall maintain a permanent record of the certificate number and date of issuance for all persons receiving the Illinois Certificate of Reciprocity on the basis of the written examinations or on the basis of reciprocity.
- b) The Board shall arrange for retention of the examination papers of candidates on file for a period of ninety days following the release of the results of the examination.

(Source: Amended at 21 Ill. Reg. 1335, effective 11/2/13.)

## Section 1400.210 Granting Variances

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The Board may grant variances from this Part in individual cases where it finds:

- a) the provision from which the variance is granted is not statutorily mandated;
- b) no party will be injured by the granting of the variance; and
- c) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

(Source: Added at 21 Ill. Reg. 1335, effective 11/2/13.)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED REPEALERS

- 1) Heading of the Part: National Affordable Housing Act (HOME) Program
- 2) Code Citation: 47 Ill. Adm. Code 370
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
370.101	Repeal
370.102	Repeal
370.103	Repeal
370.104	Repeal
370.105	Repeal
370.106	Repeal
370.107	Repeal
370.108	Repeal
370.109	Repeal
370.110	Repeal
370.111	Repeal
370.112	Repeal
370.113	Repeal
370.201	Repeal
370.202	Repeal
370.203	Repeal
370.204	Repeal
370.205	Repeal
370.206	Repeal
370.207	Repeal
370.208	Repeal
370.209	Repeal
370.210	Repeal
370.211	Repeal
370.212	Repeal
370.301	Repeal
370.302	Repeal
370.303	Repeal
370.304	Repeal
370.305	Repeal
370.401	Repeal
370.402	Repeal
370.501	Repeal
370.502	Repeal
370.503	Repeal
370.504	Repeal
370.505	Repeal
370.506	Repeal
370.507	Repeal
370.508	Repeal
370.601	Repeal
370.602	Repeal
370.603	Repeal

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED REPEALERS

- |          |        |
|----------|--------|
| 370.604  | Repeal |
| 370.605  | Repeal |
| 370.701  | Repeal |
| 370.702  | Repeal |
| 370.703  | Repeal |
| 370.704  | Repeal |
| 370.705  | Repeal |
| 370.706  | Repeal |
| 370.707  | Repeal |
| 370.801  | Repeal |
| 370.802  | Repeal |
| 370.901  | Repeal |
| 370.902  | Repeal |
| 370.903  | Repeal |
| 370.904  | Repeal |
| 370.1001 | Repeal |
| 370.1002 | Repeal |
| 370.1003 | Repeal |
| 370.1004 | Repeal |
| 370.1005 | Repeal |
| 370.1006 | Repeal |
| 370.1007 | Repeal |
| 370.1101 | Repeal |
- 4) Statutory Authority: Title II of the National Affordable Housing Act of 1990 (the "HOME Act") (42 U.S.C. Section 12701 et seq.) and the regulations promulgated thereunder (24 CFR Part 92) and are authorized by Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19, 7.2, 7.24g and 7.25].
  - 5) Effective Date of Rulemaking: September 17, 1997
  - 6) Does this rulemaking contain an automatic repeal date? No
  - 7) Does this rulemaking contain incorporations by reference? No
  - 8) Date Filed in Agency's Principal Office: February 21, 1997
  - 9) Notice of Proposal Published in Illinois Register:  
21 Ill. Reg. 5013 - April 25, 1997
  - 10) Has JCAR issued a Statement of Objections to these rules? No
  - 11) Differences between PROPOSAL and final version: None
  - 12) Have all the changes aired upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED REPEALERS

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These emergency rules establish the procedures for operating the HOME program established by the Authority to administer these funds for the State of Illinois under the HOME Act (the "HOME Program"). The HOME Program administers these funds for loans and grants used in connection with the acquisition, construction, rehabilitation, development and operation of single family and multifamily housing for, or providing rental assistance to, low- and very-low income households and families.

16) Information and questions regarding this adopted rule shall be directed to:

Crystal S. Maher, Esq.  
 100 W. Madison Ave., Suite 900  
 Chicago, Illinois 60611  
 312/836-3200

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: National Affordable Housing Act (HOME)
- 2) Code Citation: 47 Ill. Adm. Code 371
- 3) Section Numbers: 371.10  
Adopted Action: New  
 371.20 New
- 4) Statutory Authority: Title II of the National Affordable Housing Act of 1990 (the "HOME" Act) (42 U.S.C. Section 12701 et seq.) and the regulations promulgated thereunder (24 CFR Part 92) and are authorized by Section 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act (20 ILCS 3805/7.2, 7.19, 7.24(a) and 7.25)
- 5) Effective Date of the Rules: September 17, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed rule contain incorporations by reference? Yes
- 8) Date filed in Agency's Principal Office: February 21, 1997
- 9) Notice of Proposal Published in Illinois Register: Published on April 25, 1997, 21 Ill. Reg. 5016.
- 10) Has JCAR issued a Statement of objection to these Rules? No
- 11) Differences between proposal and final version: Pursuant to Second Notice Changes from JCAR, the Authority made a number of substantive, technical and grammatical corrections throughout the rulemaking.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: These proposed rules establish the procedures for operating the program established by the Authority to administer these funds for the State of Illinois under the HOME Act (the "HOME Program"). The HOME Program administers these funds for loans and grants used in connection with the acquisition, construction, rehabilitation, development and operation of single family and multifamily housing for, or providing rental assistance to, low- and very low-income households and families.
- 16) Information and questions regarding this adopted rule shall be directed

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

to:

Crystal S. Maher, Esq.  
401 N. Michigan Ave., Ste. 900  
Chicago, IL 60611  
312/836-5200

The full text of the Adopted Rule begins on the next page:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## PART 371

## NATIONAL AFFORDABLE HOUSING ACT (HOME) PROGRAM

Section  
371.10 Statement of Authority  
371.20 Incorporation By Reference

AUTHORITY: Implements Title II of the National Affordable Housing Act of 1990, 42 U.S.C. 12701 et seq., as amended, and the regulations promulgated thereunder, 24 CFR Part 92; authorized by Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.2, 7.19, 7.24(a) and 7.25].

SOURCE: New Part adopted by emergency rule at 21 Ill. Reg. 5369, effective April 11, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 13346, effective 5/1/97.

## Section 371.10 Statement of Authority

The Illinois Housing Development Authority (Authority) has been designated the program administrator of the HOME Investment Partnerships Program (HOME Program) in Illinois, established pursuant to Title II of the National Affordable Housing Act of 1990, 42 U.S.C. 12701 et seq., as amended (HOME Act). This Part is created to govern the HOME Program. This Part is authorized by, and made pursuant to, the Comprehensive Housing Affordability Strategy of the State of Illinois and the Illinois Housing Development Act [20 ILCS 3805].

## Section 371.20 Incorporation By Reference

The federal regulations promulgated under the HOME Act, 24 CFR Part 92 (HOME Regulations) (October 16, 1996) are hereby incorporated by reference. The full text of the HOME Regulations can be obtained from the Department of Housing and Urban Development, 451 7th St., SW, Washington, DC 20410.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Adopted Action:  
148.295 Amendment  
148.296 New Section  
148.297 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 90-9
- 5) Effective Date of Amendment: September 23, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 23, 1997
- 9) Notice of Proposal Published in Illinois Register: July 18 and 25, 1997 (21 Ill. Reg. 9407 and 9712)
- 10) Has JCPR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the text of the proposed rulemaking.

Section 148.295

In subsections (a)(1)(B)(i), (a)(1)(B)(ii), (a)(2), (a)(3), (b)(1), (b)(2)(A), (b)(2)(B), (b)(3), (d)(1), (d)(2), (d)(3), (d)(4), and (d)(5), ".00" has been deleted or stricken.

In subsection(c)(2)(C), "Medicaid general care admissions" has been changed to "total Medicaid admissions".

Subsection (d)(1) has been changed to read, "Hospitals qualifying under subsection (c)(1)(A) above shall receive a DHA of \$60 multiplied by the DHA Medicaid days in the CHAP base period."

The end of subsection (d)(2) has been changed to read, "A DHA of \$30 multiplied by the DHA Medicaid days in the CHAP base period."

The end of subsection (d)(3) has been changed to read, "\$20 multiplied by the DHA Medicaid days in the CHAP base period."

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The end of subsection(d)(4) has been changed to read, "\$10 multiplied by the DHA Medicaid days in the CHAP base period."

Subsection (d)(5) has been changed in part to read, "\$120 multiplied by the DHA Medicaid days in the CHAP base period" and to read, "\$65 multiplied by the DHA Medicaid days in the CHAP base period".

In subsection (b)(3), the defined term has been changed to "Cost per day at 80 percent occupancy".

In subsection (b)(4), the defined term has been changed to "Medicaid general care admission".

In subsection (b)(5), the defined term has been changed to "Medicaid inpatient day".

New subsections (b)(9) and (10) have been added as follows:

9) "Medicaid psychiatric days", as used in subsection (b)(18) below, means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 21.

10) "Medicaid rehabilitation days", as used in subsection (h)(18) below, means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 22.

Subsections (b)(9), (10), (11), (12) and (13) have been relabeled as subsections (b)(11), (12), (13), (14) and (15) respectively.

The beginning of subsection (b)(13) has been changed to "CHAP base period".

The beginning of subsection (h)(14) has been changed to "SCHAP general care admissions".

The beginning of subsection (h)(15) has been changed to "SCHAP obstetrical care admissions".

New subsections (b)(16), (17) and (18) have been added as follows:

16) "Total Medicaid admissions" means hospital inpatient admissions for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicare/Medicaid crossover admissions."

17) "Total Medicaid days" means hospital inpatient days for the CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns

## DEPARTMENT OF PUBLIC AID

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and Medicare/Medicaid crossover days.

- 18) "PMA Medicaid days" means total Medicaid days that include Medicaid psychiatric days and Medicaid rehabilitation days for the CHAP base period multiplied by a factor of two.

Section 148.296

In subsection (a), "Health Services Area" has been changed to "Health Service Area".

A colon has been added at the end of subsections (a)(1), (a)(2), (b)(1)(A), (b)(1)(B), (b)(1)(C), (b)(2)(A), (b)(2)(B), (b)(2)(C) and (d)(1).

In subsection (a)(1)(A), change "Health Facilities Planning Area (HPA)" to "health facilities planning area".

In subsections (a)(1)(B) and (b)(1)(B)(iii), "Total" has been changed to "total".

In subsection (a)(1)(C), "Medicaid inpatient utilization rate" has been changed to "Medicaid Inpatient Utilization Rate".

Subsection (a)(2)(A) has been changed to read "3900 or more total Medicaid admissions."

In subsections (a)(3), (a)(4), (a)(5) and (a)(6), "hospital that" has been changed to "hospital".

In subsection (b)(4), "an HPA" has been changed to "a health facilities planning area". "Health professional shortage area" has been changed to "Health Professional Shortage Area" and "HPA" has been changed to "health facilities planning area".

In subsection (a)(5), "possess" has been changed to "possesses".

In subsections (b)(1)(A)(i), (b)(1)(B)(i), (b)(1)(C)(i), (b)(2)(A)(i), (b)(2)(B)(i) and (b)(2)(C)(i), "MIURA" has been changed to "MIUR".

In subsections (b)(1)(A)(ii), (b)(1)(B)(ii), (b)(1)(C)(ii), (b)(2)(B)(ii) and (b)(2)(C)(ii), both occurrences of "Total" have been changed to "total" and "factors" has been changed to "factor".

In subsections (b)(1), (2), (3), (6), (7), (8) and (9), "total Medicaid general care admissions" has been changed to "total Medicaid admissions".

In subsections (b)(1)(C)(i) and (ii), and (b)(2)(C)(i) and (ii), "the mean" has been deleted, the comma after "deviation" has been deleted and a

## DEPARTMENT OF PUBLIC AID

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comma has been added after "above".

In subsection (b)(2)(A)(ii), "Total" has been changed to "total" and "factors" has been changed to "factor."

In subsections (b)(3) through (b)(9), the comma before "multiplied" has been deleted.

In subsections (b)(4) and (5), "total Medicaid general care days" has been changed to "total Medicaid days".

In subsection (b)(5), "\$90" has been changed to "\$99.50".

In subsection (c), "criteria" has been changed to "criterion" and "Of this Section" has been added after "subsection (a)".

In subsection (d)(1)(A), "number Medicaid" has been changed to "number of Medicaid".

In subsection (d)(1)(B), both occurrences of "Total" have been changed to "total".

In subsections (e)(1), (2), (3) and (4), "Total Medicaid admissions" has been changed to "total SCHAP admissions".

Subsections (g)(3) and (4) have been deleted in their entirety and subsections (g)(5) and (6) have been relabeled as (g)(3) and (4). In the newly labeled subsection (g)(3), the acronym has been moved to within the quotation marks. In the newly labeled subsection (g)(4), the comma following "(b)(8)" has been deleted.

New subsections (g)(5) and (6) have been added as follows:

- 5) "Medicaid psychiatric admissions", as used in subsection (g)(10) below, means hospital inpatient admissions for the Supplemental CHAP base that are billed to the Department with a category of service 22.

- 6) "Medicaid rehabilitation admissions", as used in subsection (g)(10) below, means hospital inpatient admissions for the Supplemental CHAP base that are billed to the Department with a category of service 22.

In subsection (g)(7), the comma following "(c)(2)(A)" has been deleted.

In subsection (g)(8), "Total Medicaid Admissions" has been changed to "total Medicaid admissions" and the comma following "newborns" has been deleted.

## DEPARTMENT OF PUBLIC AID

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New subsections (g)(9) and (10) have been added as follows:

- 9) "Total Medicaid days" means hospital inpatient days for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, including days for mental health and medical care recovery days.
- 10) "SCAP admissions" means total Medicaid admissions that include Medicaid psychiatric admissions and Medicaid rehabilitation admissions for the Supplemental CHAP base period multiplied by a factor of two.

## Section 148.297

In subsection (a)(1), a comma has been added after "(c)(3)" and the comma after "and" has been deleted.

At the end of subsections (b)(1) and (b)(2), the semicolon has been changed to a colon.

At the end of subsection (b)(1)(A), the comma has been deleted.

In the beginning of subsection (b)(2)(A), "the" has been deleted, and the comma after "by" has been deleted.

In subsection (c), "and additional" has been changed to "an additional".

In subsection (e)(1), the acronym has been moved to within the quotation marks and "defined" has been changed to "ascribed".

In subsection (e)(2), "billed" has been changed to "adjudicated" and the following language has been added at the end of the subsection:

For a hospital, which includes a facility devoted exclusively to caring for children, that is separately licensed as a hospital by a municipality, Pediatric Adjustment Outpatient Services will include psychiatric services (categories of service 27 or 28) for children less than 18 years of age, that are billed through the affiliated general care hospital.

Subsection (e)(3) has been revised as follows:

"Pediatric Medicaid Outpatient Percentage" means a percentage that results from the quotient of the total Pediatric Adjustable Outpatient Services for persons less than 18 years of age divided by the total Pediatric Adjustable Outpatient Services for all persons, during the Pediatric Outpatient Adjustment Base Period.

In subsection (e)(5), "hereafter" has been changed to "thereafter".

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- No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes

- 13) Will these amendments replace Emergency Amendments currently in effect? Yes

- 14) Are there any amendments pending on this Part? Yes

## Sections Proposed Action Illinois Register Citation

148.25 Amendment August 29, 1997 (21 Ill. Reg. 11881)  
148.140 Amendment September 26, 1997 (21 Ill. Reg. 13032)  
148.310 Amendment August 1, 1997 (21 Ill. Reg. 10016)

- 15) Summary and Purpose of Amendments: These amendments to Section 148.295 revise the current Critical Hospital Adjustment Payment (CHAP) program to increase the facility components for Level I rehabilitation hospitals. These changes are necessary to cover the extremely high costs incurred by rehabilitation hospitals. For such hospitals with fewer than 90 annual Medicaid admissions, the facility component will increase from \$100,000 to \$250,000. Hospitals with 90 or more annual Medicaid admissions will have their facility component increased from \$400,000 to \$575,000. It is expected that these changes will result in increased annual expenditures of approximately \$500,000.

New Section 148.296 creates the Supplemental Critical Hospital Adjustment Payment (SCHAP) program. These provisions are designed to replace the rate appeal process found in 89 Ill. Adm. Code 152.250, which has been proposed for repeal. The SCHAP program will direct Medicaid dollars to hospitals that provide critically necessary Medicaid services. It is expected that the annual cost of this program will be approximately \$41,000,000. However, these expenditures will be fully offset by savings resulting from the elimination of the rate appeal process in Section 152.250.

New Section 148.297 creates the Pediatric Outpatient Adjustment Payments program. This program will provide quarterly payments to cover the program costs of outpatient services provided by hospitals. The program will ensure access to Medicaid eligible children for highly specialized outpatient procedures. It is expected that the annual cost of this program will be approximately \$9,000,000.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

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Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763  
217/524-0081

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER 1: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER 6: MEDICAL PROGRAMS

PART 148  
HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Governed Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services
148.80	Organ Transplant Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in a County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180	Payment for Pre-Operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Utilization Review and furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250	Payment of Certain Hospital Payment Rates to Certain Exempt Hospitals
148.260	Calculation of Definitions of Inpatient Per Diem Rates
148.270	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285	Excellence in Academic Medicine Payments



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- ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under (a)(1)(A) above, shall receive an adjustment of \$12,500-99 per Medicaid trauma admission per hospital for the CHAP rate period.
- 2) Level II Rural Trauma Center Adjustment (TCN). Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the last day of June preceding the CHAP rate period, are recognized as Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$9,900-99 per Medicaid trauma admission in the CHAP base period.
- 3) Level II Urban Trauma Center Adjustment (TCN). Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the last day of June preceding the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$9,900-99 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:
  - A) The hospital is located in a county with no Level I trauma center; and
  - B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the last day of June preceding the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3)(A) above; or the hospital is not located in a HPSA (42 CFR 5) and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3)(A) above.
- b) Rehabilitation Hospital Adjustment (RHA)
  - i) Illinois hospitals that, on the last day of June preceding the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2) and are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:
    - 1) Treatment Component. All hospitals defined in subsection (b) above shall receive \$3,800-99 per Medicaid Level I rehabilitation admission in the CHAP base period.
    - 2) Component. All hospitals defined in subsection (b) above shall receive a facility adjustment that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:
      - A) Hospitals with fewer than 90 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$250,000 \$999-999 in the CHAP rate period.
      - B) Hospitals with 90 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility

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- component of \$575,000 \$999-999 in the CHAP rate period.
- 3) Health Professional Shortage Area Adjustment. Components. Hospitals defined in subsection (b) above, that are located in a Health Professional Shortage Area (HPSA) (42 CFR 5) as of the last day of June preceding the CHAP rate period, shall receive \$300-99 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.
- c) Direct Hospital Adjustment (DHA) Criteria
  - To qualify for the DHA under this subsection (c), hospitals must meet one of the following criteria.
    - 1) Be an Illinois hospital located outside of Health Service Area (HSA) six that meets one of the following criteria:
      - A) Has a Medicaid inpatient utilization rate on the last day of June preceding the CHAP rate period, as defined in Section 148.120(k)(5), greater than ten percent and has an average length of stay of less than ten days.
      - B) Is a major teaching hospital with 35 or more graduate medical education slots accredited by the American Osteopathic Association Council for Graduate Medical Education, the Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.
    - 2) Be a hospital located in HSA six, excluding psychiatric and rehabilitation hospitals as defined in 89 Ill. Adm. Code 149.50(c)(1) and (c)(2), that meets one of the following criteria:
      - A) is a hospital whose sum of the critical weighting factors is greater than one standard deviation above the mean of the critical weighting factors calculated for all hospitals within the same county. The critical weighting factor is determined as follows:
        - i) Hospitals that, on the last day of June preceding the CHAP rate period, are designated as a Level III, II, or I Perinatal Center by the Illinois Department of Public Health shall receive a critical weighting factor of 10, 7.5, or 5 respectively depending on the hospital's perinatal level designation.
        - ii) Hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I or II Trauma Center by the Illinois Department of Public Health shall receive a critical weighting factor of three or five respectively depending on the hospital's trauma level designation.
        - iii) Hospitals that, on the last day of June preceding the CHAP rate period, are eligible for disproportionate share payments as described in Section 148.120(g)(1) or (g)(2) shall receive a critical weighting factor of five.

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- iv) Hospitals that have an occupancy ratio, as determined by the Illinois Department of Public Health (IDPH), based upon the most current IDPH published report entitled "Bed Count, Average Length of Stay, Average Daily Census and Percent Occupancy for Non-Federal Hospitals in Illinois", which is available to the Illinois Department of Public Aid on the last day of June preceding the CHAP rate period, which is equal to or greater than the mean occupancy ratio for all hospitals in the planning area shall receive a critical weighting factor of five.
- v) Hospitals which have Medicaid obstetrical care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid obstetrical care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area, the hospital shall receive a critical weighting factor of five.
- vi) Hospitals that on the last day of June preceding the CHAP rate period have a Medicaid inpatient utilization rate as defined in Section 148.120(k)(5) which is equal to or greater than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, shall receive a critical weighting factor of five. If the hospital's Medicaid inpatient utilization rate is greater than the mean but less than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, the hospital shall receive a critical weighting factor of five.
- vii) Hospitals which have Medicaid general care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid general care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid general care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid general care admissions in their planning area, the hospital shall receive a critical weighting factor of five.
- viii) Hospitals which have Medicaid obstetrical care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation below the mean cost per day at 80 percent occupancy in their planning area shall receive

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- a critical weighting factor of ten. If the hospital's net day at 80 percent occupancy is greater than one-half a standard deviation below the mean cost per day at 80 percent occupancy in their planning area, the hospital shall receive a critical weighting factor of five.
- B) Is a major teaching hospital with 40 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.
- C) Is a hospital with 3,400 or more total Medicaid general-care admissions in the CHAP base period.
- 3) Be a hospital qualifying under subsection (c)(2) above that has Medicaid obstetrical care admissions in the CHAP base period which are equal to or greater than 400.
- 4) Be a hospital qualifying under subsection (c)(2) above that on the last day of June preceding the CHAP rate period, designated as a Level III or II Perinatal Center by the Illinois Department of Public Health, and that has a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), which is greater than one-half a standard deviation above the statewide mean Medicaid inpatient utilization rate, as defined in Section 148.120(k)(3), and that has at least one obstetrical graduate medical education program accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.
- 5) Be a children's hospital, which means a hospital devoted exclusively to caring for children. A hospital includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality shall be considered a children's hospital to the degree that the hospital's Medicaid care is provided to children.
- d) DHA Adjustment
- Calculation of the DHA is as follows:
- Hospitals qualifying under subsection (c)(1)(A) above shall receive an DHA of \$60-99 multiplied by the DHA per Medicaid GMS inpatient-day in the CHAP base period.
  - Hospitals qualifying under subsection (c)(1)(B), (c)(2) or (c)(5) above shall receive an DHA of \$10-49 multiplied by the DHA per Hospital GMS inpatient-day in the CHAP base period.
  - Hospital inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate

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- period, that is greater than 85 percent shall receive an additional \$20-00 multiplied by the DRA per Medicaid days inpatient-day in the CHAP base period.
- 4) Hospitals qualifying under subsection (c)(2)(B) above shall receive an additional \$10-00 multiplied by the DRA per Medicaid days inpatient-day in the CHAP base period.
- 5) Hospitals qualifying under subsection (c)(3) or (c)(4) above shall receive an additional \$120-00 multiplied by the DRA per Medicaid days inpatient-day in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is equal to or greater than 50 percent; or \$65-00 multiplied by the DRA per Medicaid days inpatient-day in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is less than 50 percent.
- e) Rural Critical Hospital Adjustment Payments (RCHAP) shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions occurring on or after September 1, 1996. The Department shall make a RCHAP adjustment payment to hospitals qualifying under this subsection at a rate that is the greater of:
- 1) the product of \$1,490 multiplied by the number of Obstetrical Care Admissions in the CHAP base period, or
  - 2) the product of \$150 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.
- f) Each eligible hospital's critical hospital adjustment payment for the CHAP rate period shall equal the sum of the amounts described in subsections (a), (b), (c), (d), and (e) above. Critical hospital adjustment payments shall be paid to eligible hospitals on a quarterly basis.
- g) Critical Hospital Adjustment Limitations
- Hospitals that qualify for trauma center adjustments under subsection (a) shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) above, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) above. In these instances, the adjustment calculated shall be pro-rated, as applicable, based upon the data that the hospital is required to submit.
- h) Critical Hospital Adjustment Payment Definitions
- The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:
- 1) "CHAP base period" means State Fiscal Year 1994 for CHAP payments calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP payments calculated for the July 1, 1996, CHAP rate period; etc.

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- 2) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.
- 3) "Cost per day per day at 80 percent occupancy Percent-Occupancy" means the cost of inpatient care per day had the hospital been operating at 80 percent occupancy rate.
- 4) "Medical general care admissions General-Care-Admission" means hospital inpatient admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.
- 5) "Medicaid inpatient day inpatient-day" means hospital inpatient days which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicare/Medicaid crossover days.
- 6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an occurrence code of 63 when applicable and an ICD-9-CM principal diagnosis code of 054.3, 344.1, 344.2, 344.8, 345.2, 352.0, 352.1, 352.2, 352.3, 352.4, 352.5, 352.6, 352.7, 352.8, 352.9, 353.0, 353.1, 353.2, 353.3, 353.4, 353.5, 353.6, 353.7, 353.8, 353.9, 354.0, 354.1, 354.2, 354.3, 354.4, 354.5, 354.6, 354.7, 354.8, 354.9, 355.0, 355.1, 355.2, 355.3, 355.4, 355.5, 355.6, 355.7, 355.8, 355.9, 356.0, 356.1, 356.2, 356.3, 356.4, 356.5, 356.6, 356.7, 356.8, 356.9, 357.0, 357.1, 357.2, 357.3, 357.4, 357.5, 357.6, 357.7, 357.8, 357.9, 358.0, 358.1, 358.2, 358.3, 358.4, 358.5, 358.6, 358.7, 358.8, 358.9, 359.0, 359.1, 359.2, 359.3, 359.4, 359.5, 359.6, 359.7, 359.8, 359.9, 360.0, 360.1, 360.2, 360.3, 360.4, 360.5, 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surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

- 2) "Medicaid psychiatric days", as used in subsection (b)(18) below, means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 21.

- 10) "Medicaid rehabilitation days", as used in subsection (b)(18) below, means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 22.

- 11) "Medicaid trauma admission" means those claims billed as admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an age of 18 or less, for the following ranges: 800.0 through 803.99, 804.0 through 807.99, 808.0 through 809.99, 810.0 through 813.99, 814.0 through 817.99, 818.0 through 819.99, 820.0 through 823.99, 824.0 through 827.99, 828.0 through 831.99, 832.0 through 835.99, 836.0 through 839.99, 840.0 through 843.99, 844.0 through 847.99, 848.0 through 851.99, 852.0 through 855.99, 856.0 through 859.99, 860.0 through 863.99, 864.0 through 867.99, 868.0 through 871.99, 872.0 through 875.99, 876.0 through 879.99, 880.0 through 883.99, 884.0 through 887.99, 888.0 through 891.99, 892.0 through 895.99, 896.0 through 899.99, 900.0 through 903.99, 904.0 through 907.99, 908.0 through 911.99, 912.0 through 915.99, 916.0 through 919.99, 920.0 through 923.99, 924.0 through 927.99, 928.0 through 931.99, 932.0 through 935.99, 936.0 through 939.99, 940.0 through 943.99, 944.0 through 947.99, 948.0 through 951.99, 952.0 through 955.99, 956.0 through 959.99, 960.0 through 963.99, 964.0 through 967.99, 968.0 through 971.99, 972.0 through 975.99, 976.0 through 979.99, 980.0 through 983.99, 984.0 through 987.99, 988.0 through 991.99, 992.0 through 995.99, 996.0 through 999.99. For those hospitals recognized as Level I trauma centers, solid organ trauma cases, Medicaid trauma admissions are calculated for the claims billed as admissions, excluding admissions for normal newborns which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with ICD-9-CM diagnoses within the above ranges for children under the age of 18 excluding admissions for normal newborns.

- 12) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.

- 13) "The CHAP rate base period" means State Fiscal Year 1995 for the CHAP rate calculated for July 1, 1996, CHAP rate period. State Fiscal Year 1996 for RCHAP's calculated for July 1, 1997, CHAP rate period; etc.

- 14) "RCHAP General Care Admission General Care—Admission" means Medicaid General Care Admissions, as defined in subsection (b) above, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.

- 15) "RCHAP obstetrical care admissions" means

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Admissions" means Medicaid General Care Admissions, as defined in subsection (b)(1) above, with a Discharge Group (DMG) of 370 through 375, occurring in the CHAP base period.

- 16) "Total Medicaid admissions" means hospital inpatient admissions for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicare/Medicaid crossover admissions.

- 17) "Total Medicaid days" means hospital inpatient days for the CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicare/Medicaid crossover admissions.

- 18) "Total Medicaid days" means total Medicaid days that include Medicaid psychiatric days and Medicaid rehabilitation days for the CHAP base period multiplied by a factor of two.

(Source: Amended at 21 Ill. Reg. 133.9, effective 11/2/99)

## Section 148.296. Supplemental Critical Hospital Adjustment Payments (SCHAP)

Supplemental Critical Hospital Adjustment Payments (SCHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), hospitals described in 89 Ill. Ann. Code 149.50(c)(1), (c)(2) or (c)(3), and hospitals described in Section 148.20(a)(5) with a Medicaid inpatient utilization rate that is less than 80 percent, and hospitals with Medicaid admissions occurring on or after July 1, 1997, in accordance with this Section.

- a) To qualify for payments under this Section, a hospital must be located in Health Service Area (HSA) 6 of HSA 11 and satisfy one of the following criteria during the Supplemental CHAP base period:

- 1) A hospital's:
- A) Medicaid obstetrical care admissions are greater than or equal to the mean number of Medicaid obstetrical care admissions for all hospitals located within the same health facilities planning area.

- B) Total critical weighting factor is greater than or equal to the mean total critical weighting factors of all hospitals located within the same HSA, and
- C) Medicaid inpatient utilization rate (MIUR) is greater than the mean MIUR of all hospitals located within the same HSA.

- 2) A hospital has:
- A) 3000 or more total Medicaid admissions,
  - B) an occupancy percentage rate greater than the mean occupancy percentage rate, as defined by the Department of Public Health, of all hospitals within the same HSA, and

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- C) an MIUR greater than or equal to 55 percent.  
A hospital is a children's hospital, as defined in Section 148.120(a)(5), and has an MIUR greater than or equal to 80 percent.
- 4) A hospital is located in a health facilities planning area where all hospitals also are located in a Health Professional Shortage Area (HPSA), as designated in the Federal Register for the Supplemental CHAP base period, and has the greatest number of Medicaid obstetrical care admissions among all hospitals within that same health facilities planning area.
- 5) A hospital provides at least 900 Medicaid obstetrical admissions and possesses an MIUR that is greater than or equal to 70 percent.
- 6) A hospital has an MIUR that is greater than or equal to 75 percent, will make payments during the CHAP rate period to the State of Illinois for the CHAP rate period to the State of Illinois, and is a hospital under the CHAP methodology.
- 7) For hospitals qualifying under subsection (a)(1)(i) above that are located in HSA 6, the payment shall equal the product of the total Medicaid admissions multiplied by:
- A) \$620 for hospitals that:
- have an MIUR that is greater than or equal to one standard deviation above the mean MIUR of all hospitals within HSA 6, and
  - have a total critical weighting factor that is greater than or equal to one standard deviation above the mean of the total critical weighting factor for all hospitals within HSA 6.
- B) \$615 for hospitals that:
- have an MIUR that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean MIUR of all hospitals within HSA 6, and
  - have a total critical weighting factor that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean total critical weighting factor of all hospitals within HSA 6.
- C) \$610 for hospitals that:
- have an MIUR that is greater than or equal to, but less than one-half standard deviation above, the mean MIUR of all hospitals within HSA 6, and
  - have a total critical weighting factor that is greater than or equal to, but less than one-half standard deviation above, the mean total critical weighting factor of all hospitals within HSA 6.
- 2) For hospitals qualifying under subsection (a)(1) above that are located in HSA 11, the payment shall equal the product of the

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- total Medicaid admissions multiplied by:
- A) \$835 for hospitals that:
- have an MIUR that is greater than or equal to one standard deviation above the mean MIUR of all hospitals within HSA 11, and
  - have a total critical weighting factor that is greater than or equal to one standard deviation above the mean of the total critical weighting factor for all hospitals within HSA 11.
- B) \$775 for hospitals that:
- have an MIUR that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean MIUR of all hospitals within HSA 11, and
  - have a total critical weighting factor that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean total critical weighting factor of all hospitals within HSA 11.
- C) \$700 for hospitals that:
- have an MIUR that is greater than or equal to, but less than one-half standard deviation above, the mean MIUR of all hospitals within HSA 11, and
  - have a total critical weighting factor that is greater than or equal to, but less than one-half standard deviation above, the mean total critical weighting factor of all hospitals within HSA 11.
- 3) For hospitals qualifying under subsection (a)(2) above, the payment shall equal the product of the total Medicaid admissions multiplied by \$375.
- 4) For hospitals qualifying under subsection (a)(3) above, the payment shall equal the product of the total Medicaid admissions multiplied by \$120.
- 5) For hospitals qualifying under subsection (a)(4) above, the payment shall equal the product of the total Medicaid admissions multiplied by \$92.50.
- 6) For hospitals qualifying under subsection (a)(5) above and located in HSA 6, the payment shall equal the product of the total Medicaid admissions multiplied by \$875.
- 7) For hospitals qualifying under subsection (a)(5) above and located in HSA 11, the payment shall equal the product of the total Medicaid admissions multiplied by \$835.
- 8) For hospitals qualifying under subsection (a)(6) above and located in HSA 6, the payment shall equal the product of the total Medicaid admissions multiplied by \$420.
- 9) For hospitals qualifying under subsection (a)(6) above and located in HSA 11, the payment shall equal the product of the total Medicaid admissions multiplied by \$400.

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- c) A hospital may receive payments under one of the payment methodologies described in subsection (b) above. In the event that a hospital qualifies under more than one criterion under subsection (a) of this Section, the Department will reimburse the hospital using the payment methodology that allows the largest payment.
- d) For any hospital that meets any of the payment criteria under subsection (b) above, the Department will increase the SCHAP payment if, during the Supplemental CHAP base period, a hospital meets either or both of the conditions under (d)(1) or (d)(2) below.
- 1) A hospital that:
- 1) provides obstetrical care admissions greater than or equal to the mean number of Medicaid obstetrical care admissions of all hospitals located in the qualifying hospital's HSA;
  - 2) A total critical weighting factor that is greater than or equal to the mean total critical weighting factor of all hospitals located in the qualifying hospital's HSA; and
  - 3) an MIUR greater than or equal to the mean MIUR of all hospitals located in the qualifying hospital's HSA.
- 2) A hospital has an MIUR greater than or equal to 70 percent.
- e) Additional SCHAP payments shall be paid under the following methodologies:
- 1) For hospitals qualifying under subsection (d)(1) above and located in HSA 6, the payment shall equal the product of \$40 multiplied by the hospital's total SCHAP admissions.
  - 2) For hospitals qualifying under subsection (d)(1) above and located in HSA 11, the payment shall equal the product of \$405 multiplied by the hospital's total SCHAP admissions.
  - 3) For hospitals qualifying under subsection (d)(2) above and located in HSA 6, the payment shall equal the product of \$185 multiplied by the hospital's total SCHAP admissions.
  - 4) For hospitals qualifying under subsection (d)(2) above and located in HSA 11, the payment shall equal the product of \$330 multiplied by the hospital's total SCHAP admissions.
- f) SCHAP payments under this Section shall be paid on a quarterly basis.
- g) Definitions:
- 1) "Supplemental CHAP base period" means services provided during State Fiscal Year 1995 and adjudicated by the Department by June 30, 1996.
  - 2) "CHAP rate period", as used in this Section, has the same meaning as defined in Section 148.295(b)(12).
  - 3) "Medicaid Inpatient Utilization Rate (MIUR)", as used in this Section, has the same meaning as defined in Section 148.201(k)(5), in effect for the rate period October 1, 1996, through September 30, 1997.
  - 4) "Medicaid obstetrical care admissions", as used in this Section, has the same meaning as defined in Section 148.295(b)(18) for the Supplemental CHAP base period.
  - 5) "Medicaid psychiatric admissions", as used in subsection (a)(10)

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- below, means hospital inpatient admissions for the Supplemental CHAP base that are billed to the Department with a category of service 21.
- 1) "Medicaid rehabilitation admissions", as used in subsection (a)(10) below, means hospital inpatient admissions for the Supplemental CHAP base that are billed to the Department with a category of service 22.
  - 2) "Total critical weighting factor", as used in this Section, has the same meaning as "sum of the critical weighting factors" as defined in Section 148.295(c)(2)(A) for the Supplemental CHAP base period.
  - 3) "Total Medicaid admissions" means hospital inpatient admissions for the Supplemental CHAP base period recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicare/Medicaid crossover admissions.
  - 4) "Total Medicaid days" means hospital days for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding newborns and Medicare/Medicaid crossover days.
  - 5) "Total SCHAP admissions" means total Medicaid admissions that include Medicaid psychiatric admissions and Medicaid rehabilitation admissions for the Supplemental CHAP base period multiplied by a factor of two.

(Source: Added at 21 Ill. Reg. 13370, effective 12/1/96)

## Section 148.297 Pediatric Outpatient Adjustment Payments

Pediatric Outpatient Adjustment Payments shall be made to all eligible hospitals, excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for outpatient services occurring on or after July 1, 1997, in accordance with this Section:

- 1) To qualify for payments under this Section, a hospital must:
  - a) be a children's hospital, as defined in 89 Ill. Adm. Code 149.50C(3), and
  - b) have a Pediatric Medicaid Outpatient Percentage greater than 80 percent during the Pediatric Outpatient Adjustment Base Period.
- 2) Hospitals qualifying under this Section shall receive the following amounts for the Pediatric Outpatient Adjustment Rate Year:
  - a) For hospitals with a Medicaid Inpatient Utilization Rate (MIUR) that is less than 75 percent, the product of:
    - i) the hospital's MIUR plus one, multiplied by
    - ii) the number of Pediatric Adjustable Outpatient Services, as defined in Section 148.295(b)(18), multiplied by
  - b) \$70.

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- 2) For hospitals with an MUR that is greater than or equal to 75 percent the product of:  
 A) one and one-half the hospital's MUR plus one, multiplied by  
 B) the number of Pediatric Adjustable Outpatient Services, multiplied by  
 C) \$70.
- c) In addition to the reimbursement rates described in subsection (b) above, hospitals that have an MUR that is greater than or equal to 80 percent shall receive an additional \$500,000 during the Pediatric Outpatient Adjustment Rate Year.
- d) Adjustments under this Section shall be paid on a quarterly basis.
- e) Definitions

- 1) "Medicaid Inpatient Utilization Rate (MIUR)", as used in this Section, has the same meaning as ascribed in Section 148.120(4)(5), in effect for the rate period October 1, 1996, through September 30, 1997.
- 2) "Pediatric Adjustable Outpatient Services" means the number of outpatient services, excluding procedure code 0080, adjudicated through a DRG billing, for an individual through the hospital, during the Calendar Year 1996, as defined in Section 148.120(4)(5), during the Pediatric Outpatient Adjustment Rate Period, for a hospital, which includes a facility devoted exclusively to caring for children, that is separately licensed as a hospital, by a municipality; Pediatric Adjustment Outpatient Services will include psychiatric services (categories of service 27 or 28) for children less than 18 years of age, that are billed through the affiliated general care hospital.
- 3) "Pediatric Medicaid Outpatient Percentage" means a percentage that results from the quotient of the total Pediatric Adjustable Outpatient Services for persons less than 18 years of age divided by the total Pediatric Adjustable Outpatient Services for all persons, during the Pediatric Outpatient Adjustment Base Period.
- 4) "Pediatric Outpatient Adjustment Base Period" means all services billed to the Department, excluding procedure code 0080, with State Fiscal Year 1996 dates of service that were adjudicated by the Department on or before March 31, 1997.
- 5) "Pediatric Adjustment Rate Year" means State Fiscal Year 1998 and each State Fiscal Year thereafter.

(Source: Added at 21 Ill. Reg. 3349, effective

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number(s): Adopted Action:  
 1010.420 Amendment  
 1010.421 New Section
- 4) Statutory Authority: Authorized by Chapter 3 and Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5].
- 5) Effective Date of Rule: September 17, 1997
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Does this amendment contain incorporation by reference: No
- 8) Date filed in Agency's Principal Office: September 18, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 7846, June 27, 1997
- 10) Has JCAR issued a State of Objections to these amendments? No
- 11) Differences between proposal and final version: Technical, non-substantive changes suggested by JCAR.
- 12) Have all the changes aired upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: Increases accountability for missing temporary permits by issuers.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Carol Sudman  
 Assistant Counsel  
 Room 298, Howlett Building  
 Springfield, IL 62756  
 217/785-3094

The full text of the Adopted Rules begins on the next page:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE  
PART 1010  
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

## SUBPART A: DEFINITIONS

Section  
1010.10 Owner--Application of Term  
1010.20 Secretary and Department

## SUBPART B: TITLES

Section  
1010.110 Salvage Certificate--Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate  
1010.120 Salvage Certificate--Assignments and Reassignments  
1010.130 Exclusiveness of Lien on Certificate of Title  
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards  
1010.150 Transferring Certificates of Title Upon the Owner's Death  
1010.160 Repossession of Vehicles by Lienholders and Creditors  
1010.170 Junking Notification

## SUBPART C: REGISTRATION

Section  
1010.210 Application for Registration  
1010.220 Vehicles Subject to Registration--Exceptions  
1010.230 Refusing Registration or Certificate of Title  
1010.240 Registration Plates To Be Furnished By The Secretary of State  
1010.250 Applications For Reassignment

## SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section  
1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration  
1010.310 Improper Use of Evidences of Registration  
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Related Matters  
1010.330 Operation of Vehicle Without Proper Illinois Registration  
1010.340 Suspension or Revocation  
1010.350 Surrender of Plates, Decals or Cards  
1010.360 Surrender of Plates, Decals or Cards

## SUBPART E: SPECIAL PERMITS AND PLATES

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

Section  
1010.410 Temporary Registration--Individual Transactions  
1010.420 Temporary Permit Pending Registration in Illinois  
1010.430 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State  
1010.440 Non-Resident Drive-Away Permits

1010.425 Five Day Permits  
1010.426 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and For Trucks  
1010.430 Registration of Vehicles with Permanently Mounted Equipment  
1010.440 Special Plates

1010.450 Purple Heart License Plates  
1010.451 Special Event License Plates  
1010.452 Retired Armed Forces License Plates  
1010.453 Gold Star License Plates  
1010.454 Collectible License Plates  
1010.455 Sample License Plates For Motion Picture and Television Studios  
1010.456 Korean War Veteran License Plates  
1010.457 Collegiate License Plates  
1010.458 Special Plates for Members of the United States Armed Forces Reserves  
1010.470 Dealer Plate Records  
1010.480 State of Illinois In-Transit Plates

## SUBPART F: FEES

Section  
1010.510 Determination of Registration Fees  
1010.520 When Fees Returnable  
1010.530 Circuit Breaker Registration Discount  
1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

## SUBPART G: MISCELLANEOUS

Section  
1010.610 Unlawful Acts, Fines and Penalties  
1010.620 Change of Engine

## SUBPART H: SECOND DIVISION VEHICLES

Section  
1010.705 Reciprocity  
1010.710 Vehicle Proration  
1010.715 Vehicle Conversion  
1010.720 Vehicle Registration  
1010.725 Trip Leasing

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 1010.770 Intrastate Movements, Foreign Vehicles  
 1010.775 Interstate Movements, Foreign Vehicles  
 1010.740 Trip and Short-term Permits  
 1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)  
 1010.750 Signal 30 Year-round for Prorated Fleets of Leased Vehicles (Repealed)  
 1010.755 Mileage Tax Plates  
 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates  
 1010.760 Transfer for "For-Hire" Loads  
 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles  
 1010.770 Required Documents for Trucks and Buses to State "Intrastate" movements  
 1010.775 Certificate of Safety

## APPENDIX A

- Uniform Vehicle Registration Proration and Reciprocity Agreement  
 International Registration Plan  
 AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, P. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, P. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, P. 123, effective July 26, 1979; amended at 4 Ill. Reg. 17, P. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, P. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 3176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 2, 1985; amended at 10 Ill. Reg. 1424, effective January 1, 1986; amended at 10 Ill. Reg. 1430, effective February 26, 1986; amended at 10 Ill. Reg. 14309, effective August 19, 1986; recodified at 13 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 13102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12387, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 13342, effective August 1, 1996.

## SUBPART B: SPECIAL PERMITS AND PLATES

## Section 1010.420 Temporary Permit Pending Registration in Illinois

- a) General Provisions  
 1) For the purpose of this Part Rule, Illinois Temporary Registration Permit hereinafter referred to as Temporary Permit shall refer to a temporary card issued and provided by the Secretary of State, which allows the operation of a vehicle after receipt of registration materials, but before the receipt of the receipt of registration materials. The form and content of the Temporary Permit shall be prescribed by the Secretary of State. The Secretary of State shall issue the Temporary Permit and no other document shall be deemed a valid Temporary Permit. This provision shall in no way be construed as restricting the provisions of Section 3-401 of the Illinois Vehicle Code.  
 2) The Temporary Permit shall not be valid for more than 60 days (30 days for vanity and personalized plates) from the date of issuance, unless extended or reduced at the discretion of the Secretary of State. In exercising that discretion, the Secretary of State shall take into consideration the following factors:  
 A) The nature and type of application;  
 B) The availability of the registration plates and/or stickers applied for;  
 C) The processing time for the application;  
 D) Other relevant matters affecting the issuance thereof.  
 In any event, the Temporary Permit shall be issued and/or stickers have been issued to and received by the applicant, the Temporary Permit is void.  
 4) The Temporary Permit must be displayed on the windshield--of the vehicle for which it is issued as follows; and  
 A) The Temporary Permit may be displayed in the lower left corner of the back window;  
 B) The Temporary Permit may be displayed in the lower left corner of the front window;  
 C) The Temporary Permit may be displayed in the lower right corner of the front window.  
 The Temporary Permit must be removed upon receipt of the registration plates and/or sticker. The Temporary Permit is not transferable from one person to another, nor from vehicle to vehicle.  
 5) In addition to the issuance of Temporary Permits--to--specific applicants--the Secretary of State shall issue, upon request

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- blank temporary permits to the following for completion by them:
- A) All licensed vehicle dealers registered and in good standing with the Secretary of State--Each dealer may issue temporary permits only to persons purchasing vehicles from that dealer--and only after application for title and registration has been completed--All dealers shall maintain records of all temporary permits issued as prescribed in Section 3-401r of the Illinois Vehicle Code--Failure to do so could result in the denial, revocation or suspension of a dealer's license under Section 3-501 of the Illinois Vehicle Code.
- B) All licensed remittance agents registered and in good standing with the Secretary of State--Each remittance agent may issue temporary permits only to persons whose applications the remittance agent accepts for transmittal to the Secretary of State--A temporary permit may only be issued in connection with an application for title and registration or registration only but may not be issued in connection with an application for the renewal of a registration--The Secretary shall upon determination by any court proceeding or at an administrative hearing or demand to issue such permits to any remittance agent or return of unused permits for violating any provision of the Illinois Vehicle Code--All Remittance Agents receiving such permits shall maintain records thereof as prescribed in Section 3-401 of the Illinois Vehicle Code--Failure to do so could result in the denial, revocation or suspension of a remittance agent's license under Section 3-996 and Section 3-997 of the Illinois Vehicle Code.
- C) All investigators employed by the Secretary of State.
- D) All investigators--Gurneys--Exchanges--registered and in good standing with the Department of Financial Institutions--Each Gurney Exchange may issue temporary permits only to persons whose applications the Gurney Exchange accepts for transmittal to the Secretary of State--A temporary permit may only be issued in connection with an application for title and registration or registration only but may not be issued in connection with an application for renewal of a registration--All Gurneys--Exchanges--receiving temporary permits shall maintain records of the issuance thereof reflecting the information contained in the temporary permit--The Secretary shall upon determination by any court proceeding or at an administrative hearing decline to issue temporary permits to any Gurney Exchange who has committed any violation of the Illinois Vehicle Code or for whom there is a pending criminal case--The Secretary shall take such action to keep records required herein or for any other purpose as may be necessary to carry out the provisions of this amendment relating to the use or issuance of temporary permits.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 6) Any temporary permit issued by one of the above named groups must also be issued in compliance with the following:
- A) Issued in numerical sequence as received from the Secretary of State.
- B) Issued only by the Dealer-Remittance Agent-Secretary of State-Police-employer or Gurney-Exchange that received the temporary permit from the Secretary of State.
- C) Not an act of the information requested where applicable.
- D) Not issued by a Dealer-Remittance Agent or Gurney-Exchange that received the temporary permit from the Secretary of State.
- E) Shall bear the signature of the employee issuing it and it shall bear the division and department.
- b) Newly Acquired Vehicles
- A Temporary Permit to operate a newly acquired vehicle for which a valid application for title and registration has been filed, accompanied with the proper fees, may be issued by or for the Secretary of State to the buyer of such vehicle, pending action upon said application.
- c) Renewal Registrations
- In the event that an individual fails to renew a registration plate or sticker upon expiration, a Temporary Permit may be issued only by a Secretary of State facility, or remittance agent, and only under the following circumstances:
- 1) The applicant presents to the facility proof of ownership of the vehicle through a title, preprinted application, I.D. Card, or through verification of some by the records of the Secretary of State.
  - 2) The applicant presents payment of all fees due to the facility.
  - 3) The renewal registration plates and/or stickers are not readily available at a financial institution, as defined in Section 1010.240 of this Part.
  - 4) The appropriate registration stickers or registration plates are not immediately available at the facility.
- d) Miscellaneous Provisions
- The Secretary of State may also issue Temporary Permits only at official State of Illinois facilities in any of the following situations:
- 1) If an individual has made application for registration, either renewal or otherwise, prior to expiration and does not receive the registration by the expiration date. The individual must present proof thereof acceptable to the Secretary of State;
  - 2) Any situation where the individual makes proper application for title and registration, or registration alone, and the Secretary of State is unable to issue the appropriate registration at that time.

(Source: Amended at 21 Ill. Reg.

S.E. 13378

13378

effective

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

Section 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State

a) In addition to the issuance of Temporary Permits to specific applicants, the Secretary of State may issue, upon request, blank Temporary Permits to the following for completion by them:

- 1) Licensed vehicle dealers registered and in good standing with the Secretary of State. Each dealer may issue Temporary Permits only to persons purchasing vehicles from that dealer and only after application for title and registration has been completed. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such permits to any dealer or demand return of unused permits for violating any provision of the Illinois Vehicle Code. All dealers shall maintain records of all Temporary Permits issued as prescribed in Section 5-401.2 of the Illinois Vehicle Code. Failure to do so could result in the denial, revocation, or suspension of a dealer's license under Section 5-301 of the Illinois Vehicle Code.

- 2) Licensed remittance agents registered and in good standing with the Secretary of State. Each remittance agent may issue Temporary Permits only to persons whose applications the remittance agent accepts for transmittal to the Secretary of State. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such permits to any remittance agent or demand return of unused permits for violating any provision of the Illinois Vehicle Code. All Remittance Agents receiving such permits shall maintain records thereof as prescribed in Section 3-910 of the Illinois Vehicle Code. Failure to do so could result in the denial, revocation, or suspension of a Remittance Agent's license under Sections 3-906 and 3-907 of the Illinois Vehicle Code.

- 3) Currency Exchanges licensed by, and in good standing with, the Department of Financial Institutions. Currency Exchanges shall complete and submit an application in a manner prescribed by the Secretary of State for the issuance of Temporary Permits to persons whose applications the Currency Exchange accepts for transmittal to the Secretary of State. A Temporary Permit may only be issued in connection with an application for title and registration or registration only, but may not be issued in connection with an application for renewal of a registration. All Currency Exchanges receiving Temporary Permits shall maintain records of the issuance thereof, reflecting the information contained in the Temporary Permit. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue Temporary Permits to any Currency Exchange that has committed any violation of the Illinois Vehicle

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

Code or rule thereof, for failure to keep records required herein, or for any other violation relating to the use or issuance of Temporary Permits.

- b) Issuers of Temporary Permits must be in compliance with the following:
  - 1) Temporary permits shall be issued in numerical sequence as received from the Secretary of State;
  - 2) Temporary permits shall be issued only by the Dealer, Remittance Agent, or Currency Exchange that received the Temporary Permit from the Secretary of State;
  - 3) Temporary permits shall contain all of the information requested where applicable;
  - 4) Temporary permits shall bear the name of the issuing entity and the signature of the issuing employee;
  - 5) Issuers of Temporary Permits shall reimburse the Secretary of State \$50 per permit for lost, missing, stolen, or destroyed permits. The Secretary of State shall be satisfied with the evidence submitted for this purpose. If the Secretary of State is not satisfied, the permits shall be destroyed by fire or flood or stolen in connection to a theft of the premises. In the decision to waive the fee, the Secretary of State shall consider whether an insurance claim or police report was filed, or other evidence suggesting that the issuer's loss is the result of fire, flood, or theft of the premises;
  - 6) Issuers shall maintain copies of all Temporary Permits issued for a period of 3 years. When a second or subsequent Temporary Permit is issued for the same vehicle, the original Temporary Permit must be attached to the duplicate of the replacement Temporary Permit. If the subsequent Temporary Permit is issued by a different issuer than the original Temporary Permit, the previous permit number and issuance date shall be recorded on the record copy of the subsequent Temporary Permit when the issuer is no longer engaged in the business of issuing Temporary Permits. If the previous permit number and issuance date for the previous permit were issued, and all unused Temporary Permits to the Secretary of State, issuer shall bear risk of loss until all temporary permits are received.
  - 7) The Secretary of State shall have free access to the offices and places of business to examine fully all temporary permit books and other business records, documents, and files of the issuer to determine whether such issuer is complying with the provisions of this Section.
  - 8) The issuer is responsible for acts or omissions of issuer's employees while engaged in the distribution of Temporary Permits.

(Source: Added at 21 Ill. Reg. 13379 effective

4-1-11)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs
- 2) Code Citation: 77 Ill. Adm. Code 510
- 3) Section Numbers: Emergency Action:  
510.130  
510-Appendix C Amendments
- 4) Statutory Authority: Section 11-501 of the Illinois Vehicle Code [625 ICS 5/11-501]
- 5) Effective Date of Emergency Amendments: September 30, 1997
- 6) If this emergency rule is to expire before the end of the 150 day period, please specify the date on which it is to expire: N/A

7) Date Filed in Agency's Principal Office: September 30, 1997

8) Reason for Emergency: Public Act 90-0043 (Senate Bill 8) became effective on July 2, 1997. This law amends the Criminal Code of 1961 and the Illinois Vehicle Code to lower the concentration level at which a person is presumed to be under the influence of alcohol from 0.10 to 0.08. Section 11-501.2 of the Illinois Vehicle Code requires the Department to approve methods of blood, breath and urine testing and to promulgate standards for the performance of such tests. The Department is obligated to act as quickly as possible to amend its rules to conform to the requirements of the law. Failure of the Department to implement P.A. 90-0043 on a timely basis would pose a threat to the safety of the people of Illinois. The change in law is intended to remove drivers from the roads who are operating vehicles at dangerous alcohol concentration levels. A discrepancy between the law and the Department's rules could result in legal challenges. Amending the Department's rules to eliminate reference to the .10 level will help to ensure that the intent of the law is carried out.

9) A Complete Description of the Subjects and Issues Involved: The rules in Part 510 set forth the Department's standard for testing of breath, blood and urine for alcohol and/or other drugs. The rules are being amended in response to P.A. 90-0043 (effective July 2, 1997), which amended the Criminal Code of 1961 and the Illinois Vehicle Code to lower the concentration level at which a person is presumed to be under the influence of alcohol from 0.10 to 0.08. Section 510.310 establishes requirements for preliminary breath screening test units. The rule is being amended to delete requirements for pass/fail units, which use a red light to indicate an alcohol level of .10 or higher. These units will no longer be accepted by the Department. Requirements for digital units are clarified. Section 510-Appendix C is being amended to delete reference to

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will require local law enforcement agencies to discontinue use of pass/fail and digital pass/fail units.
- 12) Information and Questions regarding these amendments shall be directed to:

Gail Devito  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson  
5th Floor  
Springfield, IL 62761  
(217)782-2043

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

## PART 510

## TESTING OF BREATH, BLOOD AND URINE FOR ALCOHOL AND/OR OTHER DRUGS

## Section

- 510.10 Definitions  
510.20 Construction of Rules (Repealed)  
510.30 Essential Instruments for Analyzing the Alcohol Content of Breath  
510.40 Assaying of Ampoule Solutions (Repealed)  
510.50 Operation of Approved Breath Analysis Instruments  
510.60 Licensing of Operator  
510.70 Requirements for Renewal of License  
510.80 Revocation and Reinstatement of License  
510.90 Emergency Certification Instruments  
510.100 Withdrawal of Blood and/or Urine Samples for Chemical Analysis of Alcohol or other Drug Content  
510.110 Approval of Laboratories and Laboratory Technicians  
510.120 Preliminary Breath Screening Test Units (PBSTs)

## APPENDIX A Sample Logbook Sheet

## EMERGENCY

## APPENDIX B

- List of Illinois Approved Evidential Breath Analysis Instruments

## APPENDIX C

- List of Illinois Approved Preliminary Breath Analysis Instruments

AUTHORITY: Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2].

SOURCE: Filed September 18, 1972; new rules adopted at 5 Ill. Reg. 14152, effective January 1, 1982; rules amended at 6 Ill. Reg. 365, effective January 1, 1982; amended at 7 Ill. Reg. 1917, effective January 28, 1983; codified 8 Ill. Reg. 14271; amended at 9 Ill. Reg. 9154, effective June 3, 1985; amended at 12 Ill. Reg. 20211, effective December 1, 1988; amended at 14 Ill. Reg. 19052, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 612, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 7718, effective May 1, 1991; amended at 15 Ill. Reg. 7412, effective June 1, 1995; emergency amendment at 21 Ill. Reg. 13311, effective September 30, 1997, for a maximum of 150 days.

## Section 510.130 Preliminary Breath Screening Test Units (PBSTs)

## EMERGENCY

- a) Preliminary breath test units are portable electrically or battery

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- powered units, used to determine if alcohol is present in the tested subject's breath.  
b) State to law enforcement agencies must be approved by the Department (see Section 510. Appendix C). No instrument shall be given approval if it demonstrates an error in excess of plus or minus .01. Any instrument that is not approved after initial testing shall be re-tested at the request of the manufacturer.

- c) Preliminary breath test units shall be utilized by law enforcement agencies in accordance with the manufacturer's specifications and operating procedures.

- d) Units listed as Digital Read will indicate breath alcohol levels by numeric indication of two-digits-1000 on a visible screen. Displays 14-Units-listed-as-Pass/Fail-will indicate alcohol levels-as-follower A-Green-indicator-light-A-level-of-100-to-1049-by-Amber-indicator light-A-levels-105-to-1099-by-Red-indicator-light-A-level-of-1100-higher-by-Red-indicator-light-Fail-Fail-will indicate 1100+ alcohol-impaired-by-a-numeric-or-letter-message-on-the unit-screen-for-85-to-10-leveler

(Source: Emergency amendment at 21 Ill. Reg. 13388, effective September 30, 1997, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

## Section 510-APPENDIX C List of Illinois Approved Preliminary Breath Screening Analysis Instruments

MANUFACTURER	MODEL	PASS/FAIL	DIGITAL
CWI, Inc. Owensboro, KY	S-22	X	X
Intoximeters, Inc. St. Louis, MO	Alcosensor II Alcosensor III Alcosensor IV	X X X	X X X
NOTE:--Approval-of-the-following-instruments-will-cause-effective-January-17-1996:--The-following-instruments-are-either-no-longer-manufactured-or-separate-parts-are-no-longer-available-or-support-is-limited-or-use-a-technology-for-analysis-of-breath-other-than-the-fuel-cell-technology--			
Approved-Technology	ALCO-CHER-I ALCO-CHER-II ALCO-CHER-3000 ALCO-CHER-3000-Mark-II ALCO-Model-J-4	X X X X X	X X X X X
Sub-laboratories-inc. Harrisburg-PA Alcohol-Countermeasures Systems-inc. Port-Huron-MI			

(Source: Emergency amendment at 21 Ill. Reg. September 30, 1997, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Department of Children and Family Services Employee Conflict of Interest

Code Citation: 89 Ill Adm Code 437

Section Numbers: 437.1 437.2 437.3 437.4  
437.5 437.6 437.7 437.8  
437.9 437.40(1) 437.40(o)

Date Originally Published in the Illinois Register: 8/15/97 21 Ill. Reg. 11593

At its meeting on September 16, 1997, the Joint Committee on Administrative Rules objected to the emergency rules of the Department of Children and Family Services, Employee Conflict of Interest (89 Ill Adm Code 437.1-437.40(o)) because Section 437.40(1) of the rulemaking sets the minimum age of a child who can appreciate the consequences of participating in a governmental civil procedure at 14 years of age, an event at \$75 in contravention of Executive Order #2 (9/1/97) that sets the value at \$50. Also, the Committee objected because the rulemaking prematurely repeals all conflict of interest regulations, thus removing from the Illinois Administrative Code the regulations that continue to apply to current bargaining unit employees. Also, when Section 437.40(o) of the rulemaking was drafted the Department, in its effort to remove all potential conflicts of interest, placed foster parent support specialists and master foster parents (who by the nature of their job duties must be licensed foster parents) in the situation of resigning from their advisory positions, returning their foster children or requiring the foster families to seek services from private child welfare agencies.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION AND RECOMMENDATION  
TO PROPOSED RULEMAKING

## DEPARTMENT OF STATE POLICE MERIT BOARD

Heading of the Part: Procedures of the Department of State Police Merit Board

Code Citation: 80 Ill. Adm. Code 150

Section Numbers: 150.210

Date Originally Published in the Illinois Register: 6/6/97

21 Ill. Reg. 6825

At its meeting on September 16, 1997, the Joint Committee on Administrative Rules objected to the rules of the State Police Merit Board entitled "Procedures of the Department of State Police Merit Board (80 Ill. Adm. Code 150; 21 Ill. Reg. 6825)" because the Board is currently unable to provide justification that increasing educational requirements will improve State Trooper performance. The Committee recommends that the Board remove the requirement that State Police candidates have a bachelor's degree by the year 2000 until the Board can justify burdening State Trooper candidates with this additional requirement.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JOAR agenda for further consideration.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

1) Heading of the Part: Animal Diagnostic Laboratory Act

2) Code Citation: 8 Ill. Adm. Code 110

3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 11990; September 5, 1997

4) Date, Time and Location of Public Hearing:

Thursday, October 16, 1997, 10:00 a.m.

Department of Agriculture

Agriculture Building, State Fairgrounds

Springfield, IL 62794-9281

Telephone: 217/785-5713 Facsimile: 217/785-4505

5) As announced in 21 Ill. Reg. 11990, those individuals who are unable to attend the public hearing but wish to comment on the proposed amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Bovine Brucellosis
- 2) Code Citation: 8 Ill. Adm. Code 75
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 11996; September 5, 1997
- 4) Date, Time and Location of Public Hearing:  
Thursday, October 16, 1997, 10:00 a.m.  
Department of Agriculture  
Agriculture Building, State Fairgrounds  
Springfield, IL 62794-9281  
217/785-5713 Facsimile: 217/785-4505

5) As announced in 21 Ill. Reg. 11996, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12005; September 5, 1997
- 4) Date, Time and Location of Public Hearing:  
Thursday, October 16, 1997, 10:00 a.m.  
Department of Agriculture  
Agriculture Building, State Fairgrounds  
Springfield, IL 62794-9281  
217/785-5713 Facsimile: 217/785-4505

5) As announced in 21 Ill. Reg. 12005, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

1) Heading of the Part: Equine Infectious Anemia Control

2) Code Citation: 8 Ill. Adm. Code 116

3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12024; September 5, 1997

4) Date, Time and Location of Public Hearing:

Thursday, October 16, 1997, 10:00 a.m.  
Department of Agriculture  
Agriculture Building, State Fairgrounds  
Springfield, IL 62794-9281  
217/785-5713 Facsimile: 217/785-4505

5) As announced in 21 Ill. Reg. 12024, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

1) Heading of the Part: Feeder Swine Dealer Licensing

2) Code Citation: 68 Ill. Adm. Code 590

3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12027; September 5, 1997

4) Date, Time and Location of Public Hearing:

Thursday, October 16, 1997, 10:00 a.m.  
Department of Agriculture  
Agriculture Building, State Fairgrounds  
Springfield, IL 62794-9281  
Telephone: 217/785-5713 Facsimile: 217/785-4505

5) As announced in 21 Ill. Reg. 12027, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Illinois Bovine Tuberculosis Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 80
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12030; September 5, 1997

4) Date, Time and Location of Public Hearing:

Thursday, October 16, 1997, 10:00 a.m.  
 Department of Agriculture  
 Agriculture Building, State Fairgrounds  
 Springfield, IL 62794-9281  
 Telephone: 217/785-5713 Facsimile: 217/785-4505

- 5) As announced in 21 Ill. Reg. 12030, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Illinois Pseudorabies Control Act
- 2) Code Citation: 8 Ill. Adm. Code 115
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12040; September 5, 1997

4) Date, Time and Location of Public Hearing:

Thursday, October 16, 1997, 10:00 a.m.  
 Department of Agriculture  
 Agriculture Building, State Fairgrounds  
 Springfield, IL 62794-9281  
 217/785-5713 Facsimile: 217/785-4505

- 5) As announced in 21 Ill. Reg. 12040, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12046; September 5, 1997

4) Date, Time and Location of Public Hearing:

Thursday, October 16, 1997, 10:00 a.m.  
Department of Agriculture  
Agriculture Building, State Fairgrounds  
Springfield, IL 62794-9281  
217/785-5713 Facsimile: 217/785-4505

- 5) As announced in 21 Ill. Reg. 12046, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the Agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Livestock Dealer Licensing
- 2) Code Citation: 68 Ill. Adm. Code 610
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12052; September 5, 1997

4) Date, Time and Location of Public Hearing:

Thursday, October 16, 1997, 10:00 a.m.  
Department of Agriculture  
Agriculture Building, State Fairgrounds  
Springfield, IL 62794-9281  
Telephone: 217/785-5713 Facsimile: 217/785-4505

- 5) As announced in 21 Ill. Reg. 12052, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the Agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Swine Disease Control and Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 105
- 3) Register Citation to Notice of Proposed Amendments: 21 Ill. Reg. 12056; September 5, 1997
- 4) Date, Time and Location of Public Hearing:  
Thursday, October 16, 1997, 10:00 a.m.  
Department of Agriculture  
Agriculture Building, State Fairgrounds  
Springfield, IL 62794-9281  
Telephone: 217/785-5713 Facsimile: 217/785-4505
- 5) As announced in 21 Ill. Reg. 12056, those individuals who are unable to attend the public hearing but wish to comment on the Proposed Amendments should mail written comments to the attention of Debbie Wakefield at the above address. In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.
- The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

## CARNIVAL-AMUSEMENT SAFETY BOARD

## NOTICE OF PUBLIC HEARING

- The Carnival-Amusement Safety Board will hold a second public fact finding hearing as a part of its efforts to determine whether go-karts used in street racing events, commonly advertised as "Go-Kart Charity Gran Prix's", are subject to regulation or not.
- 1) Heading of the Part: Carnival and Amusement Ride Inspection Law
- 2) Code Citation: 56 Ill. Adm. Code 6000
- 3) Date, Time, Place and Location of Public Hearing:  
October 24, 1997  
Friday, 11 A.M.  
Illinois Department of Labor  
James R. Thompson Building  
160 N. LaSalle, Suite C-1300  
Chicago, IL 60601
- 4) Other pertinent information: The Department of Labor believes that go-karts used in street racing events, commonly advertised as "Go-Kart Charity Gran Prix's", which are not sanctioned by a nationally recognized racing association, present a hazard to the public and are subject to regulation under the Carnival and Amusement Rides Safety Act. The Department has asked the Board for inspection guidelines in order to regulate these events and assure that established safety standards are adhered to. The Board is seeking additional input from all interested parties before taking any action on the Department's request for guidelines.
- The guidelines would not affect any event which is sanctioned under the auspices of a nationally recognized organization such as Grand Prix Racing, World Karting Association, International Karting Federation and others.
- Written comments will be accepted until November 7, 1997.

- 5) Name and address of Agency Contact Person:  
  
Scott D. Miller, Chief Legal Counsel  
Illinois Department of Labor  
James R. Thompson Building  
160 N. LaSalle St., Suite C-1300  
Chicago, IL 60601  
(312) 793-1805

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 16, 1997 through September 22, 1997 and have been scheduled for review by the Committee at its October 21, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/30/97	Department of Children and Family Services, Planning for Statewide Resource Allocation (89 Ill Adm Code 326)	7/11/97 21 Ill Reg 8733	10/21/97
10/30/97	Department of Children and Family Services, Grants-in-Aid (89 Ill Adm Code 360)	7/11/97 21 Ill Reg 8728	10/21/97
10/30/97	Department of Children and Family Services, Audits, Reviews, and Investigations (89 Ill Adm Code 434)	7/11/97 21 Ill Reg 8704	10/21/97
10/30/97	Department of Natural Resources, Youth Hunting Season for White-Tailed Deer (17 Ill Adm Code 685)	8/1/97 21 Ill Reg 10001	10/21/97
10/30/97	Property Tax Appeal Board, Procedures (86 Ill Adm Code 1910)	8/1/97 21 Ill Reg 10004	10/21/97
10/31/97	Secretary of State, Business Corporation Act (14 Ill Adm Code 150)	8/1/97 21 Ill Reg 10019	10/21/97
10/31/97	Secretary of State, Limited Liability Company Act (14 Ill Adm Code 178)	8/1/97 21 Ill Reg 10023	10/21/97
10/31/97	Secretary of State, Uniform Partnership Act (14 Ill Adm Code 165)	8/1/97 21 Ill Reg 10032	10/21/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/31/97	Secretary of State, Revised Uniform Limited Partnership Act (14 Ill Adm Code 170)	8/1/97 21 Ill Reg 10028	10/21/97
11/1/97	Department of Children and Family Services, Department Advisory Council, Illinois Juvenile Justice Commission and Other Statewide and Regional Committees (89 Ill Adm Code 428)	7/7/97 21 Ill Reg 8117	10/21/97
11/1/97	Department of Professional Regulation, Clinical Psychologist Licensing Act (68 Ill Adm Code 1400)	5/30/97 21 Ill Reg 6389	10/21/97
11/1/97	Department of Professional Regulation, Illinois Public Accounting Act (68 Ill Adm Code 1420)	7/11/97 21 Ill Reg 8837	10/21/97
11/5/97	Carnival-Amusement Safety Board, Carnival and Amusement Ride Safety Inspection Law (56 Ill Adm Code 6000)	7/25/97 21 Ill Reg 9632	10/21/97

## PROCLAMATIONS

97-498

## URUGUAY DAY

Whereas, August 25th is the 172nd anniversary of the independence of Uruguay, a nation whose goals and objectives of freedom and democracy for its people are similar to those of the United States; and

Whereas, these two countries also share a long history of commercial ties, including Uruguay's invaluable assistance to the City of Chicago after its devastating fire in 1871; and

Whereas, as a trading partner with this country, Uruguay encourages the development of its resources, the enhancement of its agri-business, and the expansion of its industry to our mutual benefit;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 25, 1997, as URUGUAY DAY in Illinois in celebration of this significant date in its history.

Issued by the Governor August 25, 1997.

Filed by the Secretary of State September 19, 1997.

97-499

## CHIROPRACTIC HEALTH CARE MONTH

Whereas, Doctors of chiropractic throughout the United States are active in community programs targeted at improving the health of our citizens; and

Whereas, chiropractors have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development, and health maintenance; and

Whereas, the science of chiropractic and the physicians who practice it have contributed greatly to the better health of some two million of our state's citizens; and

Whereas, the Illinois Chiropractic Society will hold its fall convention October 3-4, 1997, in Springfield;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997, as CHIROPRACTIC HEALTH CARE MONTH in Illinois.

Issued by the Governor September 4, 1997.

Filed by the Secretary of State September 19, 1997.

97-500

## COMPUTER LITERACY WEEK

Whereas, The Computer Literacy Fair is a wonderful opportunity for citizens to explore the information technology resources available within the State of Illinois; and

Whereas, exhibitors will be promoting computer and information technology training courses; and

Whereas, citizens can raise awareness to the demand for more computer and information technology skilled persons; and

Whereas, The Computer Literacy Fair will address the issues related to computer and information technology which impacts communities and companies, as well as individuals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

October 6-10, 1997, as COMPUTER LITERACY WEEK in Illinois.

Issued by the Governor September 4, 1997.

Filed by the Secretary of State September 19, 1997.

97-501

## DOMESTIC VIOLENCE AWARENESS MONTH

Whereas, domestic violence is a devastating problem affecting persons of all economic, racial, and social backgrounds with both immediate and long-lasting effects on victims and their children and on society as a whole; and

Whereas, the State of Illinois recognizes that in addition to imposing sanctions on abusers, we must also meet the needs of battered women and their children who often suffer grave financial, physical, and psychological losses;

And Whereas, the Illinois Department of Human Services provides nearly \$10 million to 152 domestic violence programs providing services such as shelter, information and referral, advocacy, crisis hotline, counseling, and transportation to more than 49,000 victims of domestic violence and their children, the state and federal laws have been revised and expanded to increase protection for victims of domestic violence, including strengthening orders of protection and expanding police powers in abuse situations; and

Whereas, stalking and aggravated stalking are now criminal offenses that offer victims of domestic violence greater protection from perpetrators; and

Whereas, we need to continue our best efforts to eliminate domestic violence;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as DOMESTIC VIOLENCE AWARENESS MONTH in Illinois, and urge citizens to take part in working toward the elimination of domestic violence so that people can be safe and without fear in their homes and personal lives.

Issued by the Governor September 4, 1997.

Filed by the Secretary of State September 19, 1997.

97-502

## IRON OVERLOAD AWARENESS WEEK

Whereas, in Illinois, 57,500 residents are estimated to carry the double genes that lead to storage of dangerous levels of iron; and

Whereas, 13 percent of the population carry a single gene for the metabolic abnormality; and

Whereas, the condition, iron overload, can affect various organs and the joints; and

Whereas, the detection of iron overload is simple but the disease can be deadly if it is not caught and treated;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 21-27, 1997, as IRON OVERLOAD AWARENESS WEEK in Illinois.

Issued by the Governor September 4, 1997.

Filed by the Secretary of State September 19, 1997.

97-503

## MARTIN F. CONATSKY DAY

Whereas, Martin F. Constar was elected State Commander of the American Legion on July 19, 1997, at the closing session of the 79th Annual Convention; and

Whereas, his past service includes tenures as Commander of the Platt County Council, 19th District Commander, 4th Division Commander, and Department Senior Vice Commander of the American Legion; and

Whereas, he has faithfully served American Legion Post 102 in Deland, Illinois, for the past 19 years, serving as commander and adjutant, and holding many chairmanships; and

Whereas, he has served on the Membership and Post Activities Committee for the national American Legion; and

Whereas, he has recently retired as Operations Sergeant Major for the Illinois Army National Guard Recruiting Command; and

Whereas, he is committed to the well-being of the veterans of the State of Illinois and their families; and

Whereas, it is appropriate that we set aside a day acknowledging Martin F. Constar for his dedicated service to community, state, and country;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 27, 1997, as MARTIN F. CONSTAR DAY in Illinois.

Issued by the Governor September 4, 1997.

Filed by the Secretary of State September 19, 1997.

97-504

## PEORIA SYMPHONY ORCHESTRA DAY

Whereas, the Peoria Symphony Orchestra is a well-known organization that has provided great music for 100 years; and

Whereas, the Peoria Symphony Orchestra has reached the centennial milestone that only 14 other American Orchestras have achieved; and

Whereas, the Peoria Symphony Orchestra produces great symphonies, vocal gems and contemporary masterpieces that not only entertain, but educate as well; and

Whereas, the Peoria Symphony Orchestra, founded by Harold Plowe in 1897, has offered musical enjoyment to the people of Central Illinois since its inception;

Whereas, the Symphony established a corps of volunteers who carry with them a dedication to protect and preserve the performing arts in Central Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 20, 1997, as PEORIA SYMPHONY ORCHESTRA DAY in Illinois in recognition of the contributions and achievements made during the last 100 years and extend best wishes for the coming century.

Issued by the Governor September 4, 1997.

Filed by the Secretary of State September 19, 1997.

97-505

## ADULT DAY SERVICES WEEK

Whereas, adult day service centers in Herrin, Illinois, are providing professional and compassionate services for adults; and

Whereas, through this service, they enable functionally and cognitively impaired adults to receive needed care and services in a community setting; and

Whereas, adult day centers provide a coordinated program of services including restorative and functional maintenance, rehabilitation, skilled and preventative care, and individual and group activities; and

Whereas, adult day service centers offer participants an opportunity for enriching educational, therapeutic, and social experiences outside the home; and

Whereas, these centers provide much-needed assistance and counseling for caregivers and involved others; and

Whereas, Williamson County Programs on Aging and the National Adult Day Services Association have designated September 14-20, 1997, as Adult Day Services Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 14-20, 1997, as ADULT DAY SERVICES WEEK in Illinois.

Issued by the Governor September 8, 1997.

Filed by the Secretary of State September 19, 1997.

97-506

## ADULT IMMUNIZATION AWARENESS WEEK

Whereas, influenza and pneumococcal pneumonia together are the sixth leading cause of death and are responsible for tens of thousands of deaths among American adults, especially those who are 65 years of age and older; and

Whereas, too few adults are being immunized against these diseases, as well as against other highly infectious diseases, including hepatitis B, measles, mumps and rubella; and

Whereas, fewer than half of Americans over 60 years of age are protected against tetanus and diphtheria; and

Whereas, many American adults could be spared hospitalization or death due to complications from influenza and pneumonia this year by simply being immunized with vaccines that have been proven to be safe and effective and are covered by Medicare; and

Whereas, today, in the United States at least 100 times as many adults as children needlessly die each year from vaccine-preventable diseases as a result of the Surgeon General's National Immunization Public Health Service has repeatedly called this nation to reduce the enormous cost of health care through prevention programs, including immunizations against infectious diseases;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 12-18, 1997, as ADULT IMMUNIZATION AWARENESS WEEK in Illinois and urge all citizens to obtain needed immunizations and to maintain records of their personal immunization status.

Issued by the Governor September 8, 1997.

Filed by the Secretary of State September 19, 1997.

97-507

ILLINOIS STATE GREAT CATFISH COOKOFF  
AND MORPETHSHORO BARBECUE CHAMPIONSHIP DAYS

Whereas, the Great Catfish Cookoff is being held in conjunction with the Illinois State Morpethshoro Barbecue Championship; and

Whereas, the Great Catfish Cookoff is the largest and most distinguished catfish cookoff in the State of Illinois with catfish cooking teams competing

from 10-15 different states each year; and  
 Whereas, to great satisfaction, the Murphysboro Barbecue Championship sponsors  
 and the State of Illinois have been successful in their efforts to promote this  
 event; and  
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim  
 September 18-20, 1997, as the ILLINOIS STATE GREAT CATFISH COOKOFF AND  
 MURPHYSBORO BARBECUE CHAMPIONSHIP DAYS in Illinois.  
 Issued by the Governor September 8, 1997.  
 Filed by the Secretary of State September 19, 1997.

## 97-508

## SWEDISH COUNCIL OF AMERICA DAY

Whereas, the Swedish Council of America is celebrating its 25th  
 Anniversary at the Fountain Bleu Restaurant in Des Plaines; and  
 Whereas, the Swedish Council is recognizing 17 individuals who have made  
 significant contributions to their local clubs and organizations by awarding  
 them "The Swedish Council Award of Merit; and  
 Whereas, the Swedish Council of America is an umbrella organization with  
 almost 200 organizations around the country; and  
 Whereas, the mission of the Swedish Council of America is to preserve and  
 promote Swedish heritage and strengthen the cultural relationship between  
 Sweden and the United States; and  
 Whereas, in 1846, the first Swedes came to Illinois and settled in Bishop  
 Hill and over one million Swedes migrated to the United States with many of  
 them settling in the Quad Cities, Rockford and Chicago areas;  
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim  
 September 13, 1997, as SWEDISH COUNCIL OF AMERICA DAY in Illinois and urge all  
 citizens to join in activities in celebration of this occasion.  
 Issued by the Governor September 8, 1997.  
 Filed by the Secretary of State September 19, 1997.

## 97-509

## AMERICAN HEART ASSOCIATION DAY

Whereas, the American Heart Association (AHA) is a not-for-profit,  
 voluntary health organization funded by private funds that focuses on the  
 reduction in disabilities and death from cardiovascular disease and stroke; and  
 Whereas, the AHA provides community service programs which promote the  
 health of the community and encourage individuals to adopt new ways  
 to prevent, diagnose and treat heart disease and stroke; and  
 Whereas, in the fiscal year 1996-97, the AHA allocated more than \$3  
 million to fund 83 local research projects targeted toward the prevention and  
 treatment of heart diseases and stroke; and  
 Whereas, the AHA, thanks to the dedication of thousands of volunteers, is  
 able to bring scientific discoveries to the public in the form of educational  
 programs; and  
 Whereas, the AHA, since 1991, has taught nearly 2.5 million Chicago area  
 residents in schools, businesses, places of worship and the community at large  
 with programs designed to reduce the risk of heart disease and stroke;  
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim  
 October 29, 1997, as AMERICAN HEART ASSOCIATION DAY in Illinois in recognition  
 of their mission to reduce disability and death from cardiovascular diseases

and stroke throughout our state.  
 Issued by the Governor September 9, 1997.  
 Filed by the Secretary of State September 19, 1997.

## 97-510

## CONGRATULATIONS JAMES AND KELLY LOVETT

Whereas, Kelly Ann Mulvihill and James Braxton Lovett III will be married  
 on September 27, 1997; and  
 Whereas, Kelly and James met while attending Bradley University in Peoria  
 through friends at Sully's; and  
 Whereas, James proposed to Kelly on Grandview Drive in Peoria; and  
 Whereas, James is a Sales Representative for a paint company and Kelly is  
 a nurse;  
 Therefore, I, Jim Edgar, Governor of the State of Illinois, extend best  
 wishes and sincere congratulations on this special day to James and Kelly.  
 Issued by the Governor September 9, 1997.  
 Filed by the Secretary of State September 19, 1997.

## 97-511

## MARIANJOY DAY

Whereas, twenty-five years ago, March 10, 1972, Marianjoy was granted its  
 license to operate as a hospital. What began as a retirement home for the  
 Wheaton Franciscan Sisters ultimately became a very successful center for  
 rehabilitation and education; and  
 Whereas, after having difficulty filling the 91 licensed beds in the associate  
 two years of existence, Bruce Schurman came on board in 1974 as associate  
 administrator to help remedy the situation. He began a public and professional  
 campaign to educate doctors, discharge planners, the public and insurance  
 companies about rehabilitation; and  
 Whereas, 1976 was a landmark year as Schurman became President of  
 Marianjoy and the hospital finally was in the black for the first time. At  
 that time, the hospital handled 39 patients daily with a staff of about 200;  
 and  
 Whereas, in 1981 the hospital raised \$2 million for a \$6 million project.  
 Marianjoy's size was doubled and became certified to offer service delivery to  
 110 patients. It took three years to complete the project and establish a subacute  
 program that was inaugurated in 1985. This hospital changed the way the  
 system to diagnostic impairment programs and other such levels of care.  
 Marianjoy led the field and was the first in the Midwest to offer such  
 programs; and  
 Whereas, Marianjoy was awarded "Outstanding Rehabilitation Facility" in  
 the nation; and  
 Whereas, today, Marianjoy has a growing number of facilities and  
 affiliations throughout the Chicagoland area, reaching up to the northern  
 suburbs, out to Rockford in the West, and into Palos Heights on the South side.  
 These new sites provide for subacute day rehabilitation and outpatient  
 services;  
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim  
 September 11, 1997, as MARIANJOY DAY in Illinois.

Issued by the Governor September 9, 1997.  
Filed by the Secretary of State September 19, 1997.

97-512  
**ROBERTS' TEMPLE CHURCH OF GOD IN CHRIST  
FOUNDER'S WEEK CELEBRATION**

Whereas, Roberts Temple is the first established Church of God in Christ in Chicago, establishing itself in 1917; and  
Whereas, Roberts Temple became the name of the Church of God in Christ in 1953; and

Whereas, Roberts Temple honors the founder William Mathew Roberts, who served as the Deacon and later as assistant pastor to Elder Charles Harrison Mason in Memphis, Tennessee, in the early 1900's;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22-27, 1997, as ROBERTS TEMPLE CHURCH OF GOD IN CHRIST FOUNDER'S WEEK CELEBRATION in Illinois.

Issued by the Governor September 9, 1997.

Filed by the Secretary of State September 19, 1997.

97-513

**KPMG'S WORLD OF SPIRIT DAY**

Whereas, there is a critical need for companies and individuals to make a commitment to the communities in which they live and work; and  
Whereas, in commemoration of its 100 years in business, KPMG's 20,000 partners and employees nationwide will dedicate an entire business day to community service; and

Whereas, on the basis of this World of Spirit Day, KPMG was invited to participate in the Presidents' Summit of America's Future; and

Whereas, in Chicago alone, 1,500 KPMG partners and employees will lend a hand to make the Chicago Public Schools a better place for Chicago's students to spend the day; and

Whereas, the commitment of KPMG's Chicago office sets a standard for Illinois businesses to follow;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22, 1997, as KPMG'S WORLD OF SPIRIT DAY in Illinois.

Issued by the Governor September 10, 1997.

Filed by the Secretary of State September 19, 1997.

97-514

**NORTHWESTERN MEMORIAL HOSPITAL DAY**

Whereas, Northwestern Memorial Hospital is celebrating 75 years of dedication and hard work toward the citizens of Illinois; and

Whereas, Northwestern Memorial Hospital was formed on September 1, 1972, as the largest private hospital in the State of Illinois by the union of Passavant Memorial Hospital, Chicago Wesley Memorial Hospital and the close cooperation of Northwestern University Medical School; and

Whereas, both Passavant and Wesley were memorable institutions dating back to the era of the Civil War, and serving the north central portion of the City of Chicago for over 100 years each; and

Whereas, Northwestern Memorial Hospital is today known as one of the premier academic medical resource hospitals in the country; and

Whereas, Northwestern Memorial Hospital makes outstanding contributions to quality patient care, graduate medical education, and research;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 17, 1997, as NORTHWESTERN MEMORIAL HOSPITAL DAY in Illinois.

Issued by the Governor September 10, 1997.

Filed by the Secretary of State September 19, 1997.

97-515

**AARP WEEK**

Whereas, the American Association of Retired Persons (AARP) has 1.6 million members in Illinois among whom innumerable volunteers give of their time to improve the quality of life for persons over the age of 50; and

Whereas, AARP is the nation's leading organization for persons age 50 and older; and

Whereas, AARP serves the needs of individuals 50 and older through information and education, advocacy and community services provided by a network of local AARP Chapters and Illinois Retired Teacher Association Units (IRTA), along with various state level committees and councils; and  
Whereas, there are 129 AARP Chapters and 99 IRTA Units in Illinois at this time; and

Whereas, one third of AARP members are in the work force either full time or part time; and

Whereas, on Monday and Tuesday, September 15 and 16, the Illinois AARP will hold its first ever State Conference in Springfield;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 15-21, 1997, as AARP WEEK in Illinois.

Issued by the Governor September 11, 1997.

Filed by the Secretary of State September 19, 1997.

97-516

**HISPANIC STATE EMPLOYEE DAY**

Whereas, Hispanics represent 905,000 or eight percent of the Illinois population and by the year 2010 will be the largest minority group in the United States; and  
Whereas, according to the Bureau of the Census, Illinois ranks among the top five states with sizable Hispanic populations; and

Whereas, state government is committed to providing services to the Hispanic population in the areas of education, housing, health, business, employment, and training opportunities; and

Whereas, the Illinois Association of Hispanic State Employees is sponsoring the 10th Annual Conference on Hispanic State Employment at the University of Illinois at Chicago on October 3. The theme of this year's conference is "Past, Present & Future: Challenges for Latinos in State Government."

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 3, 1997, as HISPANIC STATE EMPLOYEE DAY in Illinois in recognition of the contributions Hispanic employees have made to the vitality and growth of our state.

Issued by the Governor September 11, 1997.  
Filed by the Secretary of State September 19, 1997.

## 97-517

## AIDS WALK ROCKFORD DAY

Whereas, the AIDS Care Network (ACN) is a not-for-profit, community-based organization dedicated to working with people with AIDS/HIV, their families, partners, and friends; and

Whereas, the main purpose of ACN is to provide people affected by the AIDS epidemic with support - emotional, educational and practical - and

Whereas, as the need continues, ACN will devote energy and talent to provide compassionate care and resources targeted to prevent the spread of HIV disease; and

Whereas, ACN was founded in 1988 by a core group of concerned persons who realized the need for a local support and resource network; and

Whereas, the ACN is holding a 10 kilometer walk in Rockford as their major fundraiser in order to provide numerous services and programs to people affected by the AIDS epidemic; and

Whereas, the money raised, through walker's pledges and corporate sponsorships, will help ensure more men, women and children infected and affected by HIV and AIDS have access to compassionate health and social services that meet their needs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 27, 1997, as AIDS WALK ROCKFORD DAY in Illinois in recognition of your commitment to people affected by AIDS.

Issued by the Governor September 12, 1997.  
Filed by the Secretary of State September 19, 1997.

## 97-518

## DICK MILLER CONGRATULATED

Whereas, Richard P. "Dick" Miller is the State Director of Governmental Affairs for GTE; and

Whereas, Dick graduated from Tiskilwa High School and attended Western Illinois University and Bradley University; and

Whereas, Dick served in the United States Army from 1955 through 1957 and achieved the rank Corporal; and

Whereas, Dick has served in many service organizations such as the Rotary Club, Kiwanis Club, Jaycees, Elks and the Chamber of Commerce; and

Whereas, in addition to his love for golf, Dick's special interests include community and governmental affairs; and

Whereas, Dick and his wife, Avalon, are the proud parents of two sons, Gary (Jan) of Carlinville, IL, and Ron (Terri) of Reston, VA, and five grandchildren, Nicholas, Jason, Eric, Jessica and Jennifer; and

Whereas, Dick has been employed with GTE for 40 years; and

Whereas, Dick will be retiring from GTE on September 12, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate Dick Miller on his retirement from GTE and wish him many more years of happiness.

Issued by the Governor September 12, 1997.  
Filed by the Secretary of State September 19, 1997.

## 97-519

## HUNTING AND FISHING DAY

Whereas, September 27, 1997, is National Hunting and Fishing Day, a day set aside to celebrate the positive contributions that hunting and fishing make to the economy, the environment, and the support of sportsmen and sportswomen throughout the United States to the existence of and operation of modern scientific wildlife management programs; and

Whereas, Illinois outdoorsmen and outdoorswomen continue to contribute to the more than \$3.5 million each day nationally given to support wildlife conservation efforts; and

Whereas, the Department of Natural Resources supports this event and the contributions of Illinois' sportsmen and sportswomen with two celebrations, Northern Illinois at Silver Springs State Fish and Wildlife Area and Southern Illinois at John A. Logan College;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 27, 1997, as HUNTING AND FISHING DAY in Illinois.

Issued by the Governor September 12, 1997.  
Filed by the Secretary of State September 19, 1997.

## 97-520

## NATIONAL COUNCIL OF NEGRO WOMEN DAY

Whereas, the National Council of Negro Women, Inc. was founded in 1935 by legendary educator and human rights activist, Mary McLeod Bethune; and

Whereas, the National Council of Negro Women sponsors educational, economic, social, cultural and scientific self-help projects across the country; and

Whereas, the National Council of Negro Women is supported by 34 nationally affiliated organizations and 250 community-based sections; and

Whereas, the National Council of Negro Women is considered the principal advocacy group for African-American women and their families; and

Whereas, the National Council of Negro Women has an outreach to over four million women;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 4, 1997, as NATIONAL COUNCIL OF NEGRO WOMEN DAY in Illinois.

Issued by the Governor September 12, 1997.  
Filed by the Secretary of State September 19, 1997.

## 97-521

## ASSOCIATION FOR CHILD ENFORCEMENT SUPPORT DAY

Whereas, the Association for Child Enforcement Support (ACES) of Illinois was founded in 1984 dedicated to helping families in need; and

Whereas, ACES has grown to over 35,000 members across 47 states in just 13 years; and

Whereas, ACES brings people together to join forces and fight for the rights of children and the single parents responsible for their care; and

Whereas, ACES has developed local chapters in order to administer hands-on emotional support as well as information necessary to assist families in need of help with child support enforcement; and

Whereas, ACES provides a toll-free telephone "hot line" for information

about collecting child support, answering vital questions and pointing out every available option to families in need of help trying to collect child support.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 6, 1997, as ASSOCIATION FOR CHILD ENFORCEMENT SUPPORT DAY in Illinois in recognition of their commitment to assisting disadvantaged children affected by parents who fail to meet the legal, moral, and financial obligations of child support.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

#### 97-522

#### CHICAGO HUMANITIES FESTIVAL DAYS

Whereas, the Chicago Humanities Festival is the singular occasion in which Chicago's most prestigious cultural institutions work together to create an event which no institution could produce on its own; and

Whereas, the Festival increases the international presence and stature of the city; and the event promotes cultural tourism by drawing people from around the world; Illinois, the City of Chicago, and

Whereas, the theme of the 1997 Festival is "Work and Play" and will be explored by world renowned artists, writers, and performers in 90 programs that take place at cultural and educational institutions throughout the Chicago area;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 6-9, 1997, CHICAGO HUMANITIES FESTIVAL DAYS in Illinois.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

#### 97-523

#### JERRY KRAUSE DAY

Whereas, the 17th Annual Celebration of Basketball Dinner to benefit Little City Foundation will be held Sunday, September 28, 1997, at the Hyatt Regency Chicago; and

Whereas, this event will honor Chicago Bulls Vice President of Basketball Operations Jerry Krause in recognition of his contributions to basketball and his dedication to community service; and

Whereas, the dinner will be attended by a variety of civic, business and labor leaders, as well as other dignitaries and fans; and

Whereas, proceeds of the event will enable Little City Foundation to continue and expand its many life enriching programs which allow children and adults with mental retardation and other developmental challenges to live a life with dignity and respect; and

Whereas, the event's General Chairman, Kenneth A. Skopeck, President of MidCity Financial Corporation, and members of the Dinner Committee have committed their time and effort to make the benefit possible;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 28, 1997, as JERRY KRAUSE DAY in Illinois and urge all citizens to show their support.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

#### PUBLIC ACT 97-524

#### JIM AND CAROL BAUM DAY

Whereas, Jim and Carol Baum have been named the 1997 Illinois Retailers of the Year for their tremendous success in retailing; and

Whereas, this success has come as an independent retailer serving Northern Illinois; and

Whereas, their stores include "Baum's", a clothing store which began as a traditional "dry goods" store 123 years ago in 1874 and later expanded to become one of the largest women's specialty stores in Northern Illinois; and

Whereas, Jim and Carol have expanded over the years beyond clothing to include many specialty items; and

Whereas, Jim Baum shares his retailing experience as a Past-Chairman and current Director of the Illinois Retail Merchants Association, a primary contributor and editor of the "Small Store Survival Guide" study, and a director since 1983 on the National Retail Federation's Independent Stores Board of Directors; and

Whereas, this experience and contribution was recognized in 1993 when Jim and Carol Baum were named the National Retail Federation's "Small Store Retailer of the Year"; and

Whereas, Jim Baum's experience has been shared and recognized on the international level as delegate to several of the World Conferences on Retailing including as a guest speaker in Sidney in 1988 and Copenhagen in 1990; and

Whereas, the Baums have lent their efforts tirelessly to help ensure the economic development of Morris, Illinois, and the surrounding area through their service in numerous organizations including the District #101 Board of Education, the Regional Board of School Trustees, Grundy County Chamber of Commerce, Morris Planning Commission, and the Morris Downtown Development Partnership of which Jim Baum is currently president;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 23, 1997, as JIM AND CAROL BAUM DAY in Illinois in recognition of their outstanding contributions to retailing and economic development.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

#### 97-525

#### LEIF ERIKSSON DAY

Whereas, October 9, 1997, the Norwegian National League of Chicago and the Scandinavian community are sponsoring the 73rd Annual Leif Erikson Festival on Leif Erikson Day at the Scandinavian Club; and

Whereas, the discovery of the North American mainland by Leif Erikson is one of the best documented historical events from the Viking age; and

Whereas, today, we are not only paying tribute to a dangerous voyage made by a courageous Norwegian-Greenlander, but to all of the exploits of the Viking voyagers of the past 1,000 years and to their descendants who made the first settlements and explorations of the North American continent; and

Whereas, we are the true heirs of the Viking pathfinders and pioneers and we continue to carry on their traditions and engage in the building of the

western culture and civilization;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 9, 1997, as LITF ERIKSON DAY in Illinois.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

#### 97-526

##### SHEAR MADNESS DAY

Whereas, Shear Madness, the phenomenon of the theater world, celebrates its 15th anniversary in Chicago September 22; and

Whereas, Shear Madness beated laughter upon more than one million theatergoers in the past 15 years in Chicago; and

Whereas, more than five million people have seen this hilarious whodunit over the past 17 years in theaters throughout the world; and

Whereas, Shear Madness has helped the Illinois economy by providing tourism to the state and business to the local community; and

Whereas, Shear Madness is the brainchild of two producers, Marilyn Abrams and Bruce Jordan; and

Whereas, Shear Madness is the longest running non-musical in the History of American Theater, and in every city in the US and abroad it is the longest running play;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22, 1997, as SHEAR MADNESS DAY in Illinois.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

#### 97-527

##### WYLAND DAY

Whereas, Wyland, the world's leading eco-artist, will paint the 73rd installment of his 100 planned international Whaling Walls at the Hotel Inter-Continental in Chicago, Illinois; and

Whereas, millions of visitors will see and enjoy the fruits of Wyland's efforts in the Windy City; and

Whereas, Wyland is considered to be the premier marine life artist of our day;

and

Whereas, a purpose of Whaling Wall 73 is to inspire young and old to embrace thoughtful environmentalism and celebrate the conservation of our world's oceans through public art and education;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22, 1997, as WYLAND DAY in Illinois.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

#### 97-528

##### WZOK DAY

Whereas, WZOK is celebrating its 50th Anniversary, and is Illinois' oldest FM radio station; and

Whereas, area residents have for years counted on WZOK for entertainment, news and information; and

Whereas, local businesses have called upon WZOK to help in developing customers and build value for their companies; and

Whereas, WZOK has been instrumental in raising funds for various local charities; and today WZOK will celebrate its Anniversary with former disc jockey's national recording artists and local businesses, who will recognize the station for its 50 years on the air;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate WZOK on its Anniversary and proclaim September, 27, 1997, as WZOK DAY in Illinois.

Issued by the Governor September 15, 1997.

Filed by the Secretary of State September 19, 1997.

#### 97-529

##### CHICAGO TEEN CHALLENGE DAYS

Whereas, Chicago Teen Challenge is a non-profit organization incorporated in the State of Illinois; and

Whereas, Chicago Teen Challenge operates a residential program that endeavors to help people struggling to overcome drug abuse, alcoholism and gang involvement; and

Whereas, a National Institute on Drug Abuse study found that a Teen Challenge program has an 86 percent cure rate for heroin addicts; and

Whereas, in 1992, 93 percent of the graduates of the Teen Challenge Program found that 75 percent of the graduates were still employed and that 67 percent of the graduates were abstaining from both drugs and alcoholic beverages; and

Whereas, Chicago Teen Challenge has operated a residential program in the Chicago area since 1961; and

Whereas, Chicago Teen Challenge has saved the lives of hundreds of people and has contributed to the health and welfare of the citizens of Illinois; and

Whereas, Chicago Teen Challenge will celebrate 36 years of service at its annual banquets on September 29th and 30th;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 29-30, 1997, as CHICAGO TEEN CHALLENGE DAYS in Illinois and hereby urge all citizens of Illinois to recognize this organization for its long and faithful service in its heroic efforts to help people caught in drug addiction and alcoholism, and for the substantial contributions it has made to the health and welfare of the citizens of Illinois.

Issued by the Governor September 16, 1997.

Filed by the Secretary of State September 19, 1997.

#### 97-530

##### CUSTOMER SERVICE WEEK

Whereas, successful businesses are distinguished by their ability to provide excellent customer service and to understand the influence a customer has on a company's prosperity; and

Whereas, the International Customer Service Association (ICSA), founded in 1981 in response to a need for proactive customer service management, is the only non-profit organization of its kind in the world; and

Whereas, with more than 3,200 members internationally, as well as a chapter in Illinois, the ICSA is dedicated to developing and advancing customer



77-695-35

77-1130-37

77-2510-37

80-303-32

80-310-31,38

80-1540-39

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83-766-39

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